

Segregation - 1924.

New York.

## UNWELCOME NEGRO HIT BY INSURANCE

Two Fire Policies Canceled

Since Browne Bought in  
West New Brighton.

COMPANIES GOT WARNING.

Prosecutor Fach Promises to  
Give Him Protection.

Samuel A. Browne, Negro mail carrier, who occupies, with his wife and four children—despite a warning signed "K. K. K."—the house he bought in West New Brighton, S. I., is now protected by the third fire insurance policy he has taken out since he moved into the premises, about June 1. The previous two were canceled by the companies shortly after their issuance with the explanation "the property is a bad risk."

This became known yesterday when Browne appealed to District Attorney Fach of Richmond County for relief from the "persecution by neighbors," he alleges he has suffered since he took possession of his new home, at No. 67 Fairview Avenue, in the centre of a white residential district advertised as occupied exclusively by "100 per cent. American" families.

The specific instances of persecution alleged by Browne were the receipt of the threatening letter just before he and his family moved into their new home, and the stoning of his residence by unknown persons early Sunday morning.

Promises Him Protection.

"I told him that if he knows who these culprits are I will be glad to prosecute," Mr. Fach said he told Browne. "I don't propose to stand for it just because he is a Negro. I told him he will be protected in his civil and personal rights, and if the police won't give him protection I'll find out why. There can be no compromise with criminality."

Browne, who said there had been no further annoyance of his home

since the stoning, said he had no complaint to make of the vigilance of the police. At least one bluecoat has been in sight of the house at all times since the front door and two windows were broken by the early morning fusillade.

That "people in that neighborhood" are trying to prevent Browne from holding fire insurance on his property was directly charged yesterday by H. C. Horton, agent of the Palatine Fire Insurance Company, who wrote the first policy.

"This was canceled while I was away," Mr. Horton added. "The company gave as a reason the fact they had been warned they were underwriting a bad risk. Several persons up that way went to Manhattan and peddled the news that this man was living in property he had been warned to keep off of."

Robertson Not at Home.

M. M. Robertson, next-door neighbor of Browne and head of the Robertson Development Company, Inc., which is promoting the sale of houses in the Castleton Hill district in which the Negro family has settled, is out of town and could not be reached for his version of the affair.

However, E. V. Frerichs of Tottenville, the lawyer who handled the transfer of the property to Browne, said yesterday Mr. Robertson had offered \$2,000 to the Negro shortly after the latter had bought the place for \$8,500. This offer, Mr. Frerichs said, was refused. Browne is reported to demand \$11,000 for his house.

Allegations of Browne's neighbors that he made a practice of moving into white neighborhoods and then demanded an exorbitant price to get out appeared to be disproved yesterday by District Attorney Fach's statement that the Negro had occupied for four years the house at No. 30 Metcalfe Street, Stapleton, from which he moved to the Castleton Hill section.

NEW YORK CITY TRIBUNE

SEPTEMBER 2, 1924

## Negro Couple Protests White Neighbors' Abuse

District Attorney Fach of Richmond County expects to investigate to-day the complaints of Samuel A. Browne, a negro letter carrier, and his wife, Catherine, a teacher in Public School 11, that they had been tormented and snubbed by the neighbors since they moved into their new home at 67 Fairview Avenue, West New Brighton.

The Brownes told the police and the District Attorney that they received a letter signed "Yours of the Flaming Cross, K.K.K.", telling them that if they moved into the Fairview Avenue house it "would be the worst day's work they ever did," and that they should know better than to move where they are not wanted. The Brownes moved, anyway, and told the police that the white neighbors then refused to have anything to do with them.

They are the only negroes in the district.

The trouble started on Sunday morning, according to the negroes, when a gang bombarded their house with bricks and stones, breaking two windows and a door. Yesterday this occurrence was reported to the police by Browne, and last night a policeman was detailed to guard the property.

The negroes said they paid \$8,500 for the house, and that they would move if some one would pay them \$11,000 for the property. They purchased it only a short time ago.

## STATEN ISLANDERS OBJECT TO NEGRO MOVING INTO HOME

Samuel Browne, Mail Carrier, Wife, A Teacher, Stir Whites By Buying Home In Castleton Hill Development.

White people living in the Castleton Hill section, Staten Island, are greatly wrought up because Mr. and Mrs. Samuel A. Browne, colored, and their four children, have purchased and moved into the house at 67 Fairview Avenue, West New Brighton.

Before moving in it is reported that the Brownes received a note signed by the Ku Klux Klan warning them not to do so. According to Mr. Browne, who turned the letter over to the officers of the Police Bomb Squad, the note said: "If you move into that house on Fairview Avenue, Castleton Hill, it will be the worst day's work you ever did. You may treat this lightly, but after you move in it will be too late. You should know better than to move where you are not wanted. Yours for the flaming cross, K. K. K."

Mr. Browne moved in on July 4, regardless of the warning, and on Thursday, July 17, a crowd of forty persons paraded in front of the house and made a circuit of the property. Then on Mon-

day of this week, about 9 a. m. a mob stoned the house, breaking two windows and the plate glass in the front door.

The colored family bought the house in February from the former white owner, paying \$8,500. Immediately afterwards, L. M. Robertson, developer of the Castleton Hills real estate project, wanted to buy Browne out. The colored man, who is a mail carrier, offered to sell for \$11,000 and the whites backed down.

Mrs. Browne is a teacher in Public School No. 11, Dongan Hills, S. I., said the house was bought to live in and not for speculation. The four children, it is said, will be the only Negro children in P. S. 29. The family formerly lived at 30 Metcalfe Street, Stapleton.

Since the stoning of the house, police guards have been established, and the alleged "K. K. K." letter is being investigated by Detective Kiley of the Bomb Squad.

## NEGRO'S HOME HIT BY HAIL OF ROCKS AFTER KKK NOTE

Early Morning Bombardment  
Is Climax of Racial Controversy in Restricted Area.

PURCHASE OF DWELLING  
RESENTED BY NEIGHBORS.

Attempt to Buy Occupants Out  
Fails When New Owner Demands a Profit of \$2,500.

A fusillade of stones broke two windows and the plate glass in the front door of the home of Samuel A. Browne, Negro mail carrier, at No. 67 Fairview Avenue, West New Brighton, S. I., at 3 o'clock yesterday morning. This followed a threatening letter, ordering him to leave there and signed "K. K. K." The police guarded the house last night.

Browne, his wife Catherine, a teacher in Public School No. 11, Dongan Hills, S. I., and his four children, live in the centre of the white residence district recently developed under the name of Castleton Hill. Browne's house, a well built, eight-room two-story building, is perhaps the least pretentious in the stucco - and - rose - garden neighborhood. Moreover, his lawn has ragged bare spots and newspapers are scattered about the sides of the house, in sharp contrast to the meticulous order of his neighbors.

Demands \$2,500 Profit.

Browne said he and his wife bought the house Feb. 2 from Mrs. Klea Evans, white, then living in it, but whose present address he does not know. They paid \$8,500, he explained, and immediately received an offer from L. M. Robertson, developer of the Castleton Hills real estate project and his next door neighbor at No. 65 Fairview Avenue, to buy the property, but when he asked \$11,000 the deal fell through. Negotiations have been reopened from time to time but Browne holds out for \$11,000.

"My neighbors have their prejudices against us," he said. "All right, let them have their prejudices, but I am going to make them pay for them."

The Robertson Development Company, No. 65 Fairview Avenue, advertises Castleton Hill houses at from \$5,500 to \$14,000. The same advertisement, incidentally, carries the following sentence:

"This exceptional development is dotted with many beautiful homes and every one occupied by a 100 per cent. American family."

Browne contends that this sentence is a reference to the Klan's classification of its members and that his presence as a non-eligible to the Klan is contrary to the professed ideals of the developer of the property.

Robertson's house was closed and no one answered the door bell yesterday when a reporter called.

Children in White School.

Mrs. Browne said she negotiated the purchase of the Fairview Avenue property, but had no idea she was getting them into an embarrassing situation. Browne contended the house was bought for a home and not as a speculation. He added he thought the fact that his children will be the only Negroes in Public School No. 29, which serves that neighbor-

"K. K. K." Parade Visits Him at Night. Despite this warning, Browne said he moved into the Fairview Avenue house July 4. After he moved in, he said, there were numerous night

hood, has added to the irritation. Browne said after the negotiations for the sale of the house to Robertson failed, he received the "K. K. K." letter May 28, mailed from the Hudson Terminal Station in Manhattan and addressed to him at No. 30 Met-

meetings in the neighborhood, which he supposed were attended by his neighbors, culminating on the night of July 17 with a parade of about forty persons marching two abreast.

The paraders halted in front of his house, he said, about-faced, then made a circuit of his property. He said he was sitting on his porch and asked the visitors:

"What are you looking for? If you are looking for Browne, I am the man. I think you are all a bunch of cowards."

To that, Browne said, he received no reply. He added that none of the paraders was masked and he had seen no masked persons at any time.

# WINDOWS BROKEN WHEN EFFORTS ARE MADE TO OUST SAMUEL BROWNE

New York, Sept. 5.—A crowd of alleged Klansmen became frightened early Sunday morning and scattered in every direction when Samuel A. Browne pelted from a window of his home that he dared another rock to be thrown after a fusillade of stones had been hurled at the beautiful residence and broke two windows in an attempt to make him move from 67 Fairfield Ave., in the exclusive neighborhood of West New Brighton, Staten Island.

Mr. Browne is a mail carrier. He served 13 years as a postal clerk in Washington. He is the brother of Dr. Benjamin Browne of Baltimore and well known in fraternal circles. Mrs. Browne is a school teacher in Public School 11, Dogan Hills, Staten Island. She was formerly Miss Katherine Johannas of Washington and sister-in-law of James Le Count Chestnut, eastern district manager of The Chicago Defender.

The Browns purchased the beautiful home, which is in the center of the exclusive white residence district called Castleton Hill, from Mrs. Klea Evans (white) in February and moved in with their four children on last July 4.

It is next door to L. M. Robertson, wealthy realtor and developer of the Castleton Hills project. Robertson has been more or less heated up over the transaction as it was his intention to keep his section exclusive. He is said to have even refused to sell to whites whom he thought would not come up to standard. In an advertisement by the Robertson Development company, 65 Fairfield Ave., in which they ask from \$6,000 to \$15,000 for the homes, the following paragraph is included:

"This exceptional development is dotted with many beautiful homes

about the neighborhood which he thinks were attended by his neighbors.

On the night of July 17 a great demonstration took place in front of his home. About 60 men marched two abreast and paraded up and down in front of the house. Browne was sitting on the front porch at the time and watched the entire demonstration. After going through several formalities the marchers about-faced and circled around Browne's home. When they passed the porch Browne claims he asked the visitors: "What are you looking for? If it's Browne you want, that's me."

When Mr. Browne purchased the property his insurance was cancelled and he was forced to seek insurance through methods of his own.

NEW YORK CITY NEWS

## DISLIKES NEIGHBORS, TO SELL TO NEGROES

"House for sale. For colored people only. Inquire within."

William Durst hung this sign on his four-story apartment house at No. 313 59th St., Brooklyn, yesterday. He explained he wanted to sell because his neighbors showed a most unneighborly feeling toward two imported German police dogs he has. So he wants to get them new neighbors. The other inhabitants of the block are white

Segregation—1924

## SUIT TO OUST NEGRO TENANT

**Twenty-Seven White Property Owners Sign Injunction Suit. Much Interest In Outcome. Will Test So-called Restrictions.**

A suit was filed in the Circuit Court April 23 by a group of property owners in the 4500 and 4600 block on Labadie avenue, in the form of an injunction, seeking to restrain colored people from occupying a certain house in the block No. 4600.

It is stated in the petition that the house is owned by Miss Pearl G. Barnes, and that the tenant is R. C. Jackson and Chas. H. Acklin. The white property owners base their suit on what they call an agreement entered into by the property owners in 1911 not to sell their property to Negroes nor Mongolians.

There are four Negro families in the block at present, but for some reason only Miss Barnes and those interested in the sale to her, have been made defendants in the suit. Other defendants are: Samuel Werner, Frank R. Robertson, Samtime Realty Company, Liberty Central Trust Company, Abe Werner and the Supreme Camp American Woodmen.

There are twenty-seven plaintiffs to the petition who claim that the presence of the occupants of this particular house is to their great discomfort and caused a depreciation of their property.

The plaintiffs are: Jos. B. Forsyth, 4541 Labadie; Gordie Ledford, 4630 Labadie; Albert George, 4624 Labadie; Adam Vitte, 4522 Labadie; Leo Sprague, 4623 Labadie; Fortunato Panara, 4559 Labadie; Wm. A. Cox, 4533 Labadie; Emiline Stricker, 4557 Labadie; Fred Matilage, 4617 Labadie; Harry C. Winter, 4540 Labadie; Theodore Schultz, 4546 Labadie; Philip Johler, 4528 Labadie; Benjamin O'Leary, 4607 Labadie; Sam Aspromanti, 4553 Labadie; Antonio Battista, 4604 Labadie; Giovanni Pasco, 4604 Labadie; Ella R. Riehl, 4553 Labadie; John Meurio, 4529-31 Labadie; Mary Vitale, 4563-65 Labadie; Ida M. Quigley, 4527 Labadie; Grover L. Adams, 4629 Labadie; Wm. B. Otten, 4623 Labadie; Geo. P. Schwartz, 4626 Labadie; Albert B. Lynch, 4631 Labadie; J. B. Blanke, 2929 N. Taylor; Hubert Boland,

3601 N. Taylor; Catherine B'schoff, 4560 Labadie.

### Boundary

Plaintiffs' property lies on Labadie avenue between Cora avenue on the west and Taylor avenue on the east.

The case has attracted a deal of attention, and its final outcome is anxiously awaited.

## TERRORIZE NEGRO HOME BUYERS IN KANSAS CITY

(Preston News Service.)

Kansas City, Mo., June 9.—The bomber has returned to Kansas City. Beginning with demands three weeks ago and culminating in a bomb thrown Saturday night, terrorism against negro home buyers has burst forth again.

### Police Officer Victim.

The buyer who suffers this time is Patrolman Smothers, who has purchased a cottage on the southwest corner of Montgall avenue and Twenty-fifth street. For a number of years, Twenty-fifth street has been the "line" on Montgall, although on the other avenues the "line" has been as far south as Twenty-eighth street. Demands formulated at a meeting in the Twenty-five hundred block were addressed to the police commissioners and the chief of police recently.

### Not Discharged.

The police officials neither discharged Patrolman Smothers nor advised him to sell, as requested in the demand, it is said. The bomb was thrown between the Smothers house and another home and two windows were broken in the officer's home when the bomb exploded.

Fifteen years ago negro homes were bombed for appearing anywhere on Montgall avenue. In other sections where Negroes have expanded to the south and west there have been bombings, but the progress of the population has not stopped. It is believed that this latest demonstration of terrorism is but the preliminary to the moving south on Montgall avenue, which is now one of the "show" residential streets.

Missouri.

## K. C. WHITES AGAIN BOMB NEGRO HOME

**Failure Of Police To Show  
Promised Protection Indicates  
Connivance With  
The Perpetrators**

Preston News Service

KANSAS CITY, Mo., June 18.—The second bombing of Negro homes recently occupied in the so-called "white" neighborhood within a period of ten days occurred when the home of Lemuel Williams, 2617 East 25th St., suffered a demolished back porch and seven broken windows. The home of Patrolman Smothers, 25th and Montgall, next door to Williams' residence, was bombed ten days ago.

### Find Dynamite Bomb

Sunday afternoon about four o'clock occupants of the Smothers' house found a bomb made up of eight sticks of dynamite on the west side of the house near a cellar door. One fuse had worked loose from the bomb and had burned out, while the second fuse had failed to burn.

The explosion Tuesday at the Williams' home occurred about 11 p. m., and besides damaging the house, broke seven windows in an adjoining residence owned by an Italian and five windows in a home owned and occupied by a Jewish family.

### "Will Blow Out Block"

According to gossip, via the grapevine route, which reached Mrs. Frank Williams Wednesday, white residents intend to "blow out the whole block" rather than allow Negroes to come south of Twenty-fifth street. Both bombed houses are on the south side of Twenty-fifth street.

Because of the apparent connivance of the local police, it is said, at the depredations of the bombers both Williams and Smothers have intimated they plan to move out of the section within a few days. Both Williams and Smothers are said to have lamented the failure of the police to show the promised protection.

## Condemns Segregation

Following the meeting of the so-called Improvement Association, in which plans for segregation by an indirect route were discussed, Mr.

S. T. Dorris, a white man, wrote Mr. Reller as president of the Improvement Association sending the Negroes' position in this matter, and at the same time takes the white man's religion to task.

The letter: Mr. J. F. O. Reller, c/o Chouteau-Lindell Improvement Co. My dear Mr. Reller:—

My attention has just been called to the account of your meeting Monday night at St. Peter's Evangelical Church, Warne and St. Louis avenues, in connection with the activities of the "Property Owners' Executive Committee" in the segregation of the Negroes of this city.

If, as you say in this matter, or as you are quoted as saying in the Post-Dispatch of Tuesday evening, that you "want to treat them kindly," and "in a sympathetic manner," why don't you approach them in the manner that God would do it, or would want you to do it? For certainly no where in the Bible from Genesis to Revelation does He teach segregation, or justify any man in St. Louis, or elsewhere, to promulgate such hellish doctrine, for "God is not a God of confusion but of peace."

One of the principal ten commandments ought to be sufficient to condemn the practice even if it were not known that the entire Bible denounces it for its kinship to hypocrisy and murder. And you can't get away from that statement, Mr. Reller, not even if you hold the chairmanship of your honorable committee on "Ownership of Property" in its relationship to segregation of this race of people. They are God's people just as you or any member of your association or of St. Peter's Evangelical. And I am free to say that unless such church changes the form and practice of its evangelization, its name is a misnomer to allow its edifice to be used for any such purposes.

A reading of the 17th chapter of John ought to be sufficient to bring disillusionment to you and to the membership of St. Peter's Evangelical church, or any other association or body of men meeting for such purposes as this. And if this does not do it, I would suggest that you read the 12th chapter of Numbers. It may be that the latter will add sufficient confirmation to the above statements in that it clearly shows that Miriam and Aaron, her husband, were quarreling and disputing with Moses over this very same subject, and if you get the idea from reading that I do, you will want "to approach" the subject in a much more sympathetic manner, since that you will note that Miriam was suddenly turned into leprosy, which of course, reveals to us in a most interesting similitude that this same "sin" will be punished hereafter by God Himself, since we have not Moses to intercede as then. And it may rightly be inferred from that narrative that even as much as that Moses was punished for his willing-

ness to forgive Miriam and Aaron then, that he has learned enough by that punishment not to repeat it the second time, if he were living now.

The Bible makes it even more emphatic than my statement does, that unless his idea of segregation and oppression of the negro cease in this life that God will attend to the "segregation" of the races hereafter! And I can cite you some very ripe and recent experiences right here in St. Louis that will serve to emphasize these statements, and that it is the logical conclusion that if continued it leads to hell in complete segregation hereafter.

And so far as I am concerned, Mr. Reller, you and your friends and relatives can have all of that kind of segregation that you want. I have had a taste of hell in my life, not because of my abuse of the Negro nor of the abuse of any one else, for that matter, but rather that the oppression of others became such extreme provocation to me that in my profanity I did just what you people are doing with the Negro—forgot that there was a God in St. Louis or anywhere else.

And, as I think of those ten years, hell would not have been any hotter for me to have gone there than it will be for people who hate the Negro, even in the most subtle form of segregation, whether they are members of one form of evangelical body of men, calling themselves Christians, or whether they happen to be merely a body of men seeking material gain with no thought of the evangelization of the world's greatest needs.

I am a white man, born in the South, and of Southern parentage, and can boast of as much aristocracy in my veins as you, or possibly any member of your association, but I'll select my neighbors from conduct, not color; and will live in peace with Negroes as my neighbors just as quickly as I would live with Coolidge or any member of Congress as such. "A man's a man" with me, and "for a 'that,' and if necessary for me to complete the statement, even because of that!

Yours truly,

(Signed) S. T. DORRIS,

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## KANSAS CITY WHITES AGAIN BOMB HOMES

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ST. LOUIS MO. STAR  
JUNE 18, 1924

## Unscrupulous Real Estate Agents of Both Races Blamed for Influx of Negroes Into White Districts

### Opposition to Segregation Based on False Idea, Declares E. R. Ruth, Jr., in Urging Separate Stores and Banks.

Plans for the formation of the proposed corporation to check the negro influx into white residential districts were discussed last night at the meeting of the Property Owners' Executive Committee, at the North Side Y. M. C. A. No final action was taken and further meetings will be held.

This committee, composed of representatives of twenty-four improvement associations, has had under consideration for the past year and a half a plan providing

for the segregation of the negroes into certain districts. The negroes are as opposed to compulsory segregation now as they were at the time the plan was announced.

J. F. O. Reller, chairman of the committee, said today that the committee feels that the corporation will eventually bring the negroes to terms. The plan is to form a corporation to protect property owners from depreciation of their property through negro invasion by purchasing property and by covenant not to sell to negroes.

#### For Peace of City.

E. D. Ruth, Jr., a director of the Real Estate Exchange, who has made an exhaustive study of the problem, said today:

"The peace of the community and the interest of the city should be paramount, in considering this problem. The negro is carried away with the idea that he is being suppressed. That is not a fact.

"It is unscrupulous real estate agents, both negro and white, who cause the trouble. They buy a house in a white district and sell it to a negro. The agent pays a prohibitive price for the first house so purchased. The second for negroes doesn't cost quite so much. Other property owners become panic-stricken and sell at a sacrifice. If the houses are substan-

tial and the neighborhood desirable, prices eventually swing back. They won't be what they were before the negro invasion, but they will adjust themselves so that the real estate agent who has availed himself of the low prices at which the whites sold, makes money.

#### Negro Businesses.

"Should the negro try this plan, and at the end of twenty-five years it proved a failure, he would not have lost anything. The French, the Germans, the Italians and all other peoples colonize. Why should not the negroes?"

Dr. T. A. Curtis, a negro member of the housing committee of the interracial Group of the Community Council, said: "We will not accept segregation except as millionaires segregate themselves voluntarily from the poor. I would rather live next door to a colored man than next door to an Italian or a German, but I will not voluntarily agree to legal segregation. There are over 800,000 people in St. Louis. The negroes are in the minority. The men on the Real Estate Exchange talk about giving us livable places to live, but we would have the least desirable district and inadequate police protection.

#### "We Must Expand."

"In case of a race riot like the one in Chicago several years ago, the 'Black Belt,' as they call it, could be easily surrounded, and we would be without food or protection. We are in the minority and must protect ourselves.

"Thirty years ago there were 30,000 of us. Now there are nearly 100,000. We must live somewhere, and we must expand."

Dr. W. P. Curtis, chairman of the local branch of the National Association for the Advancement of the Colored People, characterized the movement to segregate the negroes as the activity of real estate men who desired to keep prices up.

## Whites Organize to Buy Up All Property

ST. LOUIS, Mo., June 26.—In an effort to prevent a feared invasion of white neighborhoods by Negroes, organization of a real estate holding corporation which would purchase all property about to be sold to Negroes is being considered by a group of realtors.

Segregation - 1924.

## ST. LOUIS SEGREGATION CASES IN COURT

ST. LOUIS, Mo., May 17.—The second suit to enjoin colored owners from occupying property which they had purchased in the so-called restricted block, has been filed in St. Louis during the past two weeks.

The last suit was filed Tuesday of this week by some of the property owners in the 4600 block on Labadie avenue against Miss Sara Young, which seeks to deprive Miss Young of her home through the process of law.

It will be remembered that a similar suit is pending in the circuit court of this city against Miss Pearl G. Barnes, who also owns a house in the 4600 block on Labadie avenue. Other defendants are: Sam Werner, Frank R. Robertson, Samtine Realty Co., Liberty Trust Co., Liberty Central Trust Co., Abe Werner and the Supreme Camp American Woodmen.

## Windows In Home Broken By Explosion

Owner of Home, Overseas Veteran, Refuses to Be Frightened — Says He Will Not Move.

KANSAS CITY, Mo., Aug. 21 — The third bombing of Negro homes in as many months occurred last Friday night about 11:40 p. m., when the porch of the house at 2706 Howard avenue, was wrecked by an explosion.

The house is occupied by John Graves, who is employed as night man at the Roberts company, automobiles, 1826-30 Vine street.

### Tears Off Siding

Besides plowing a deep hole in the yard and blowing away a section of the porch, the bomb broke all windows in the house and tore siding from the house and also the one next door. Doors were blown loose from their locks and left standing open.

Robert Bell, a roomer, heard the

Missouri.

noise of the explosion and came down to investigate.

Damage to the extent of \$250 was done to the premises beside the destroying of a set of hand-painted china, belonging to Mrs. Graves, which was thrown from plate rails around the dining room.

### Not Frightened

"Are you going to move out?" a reporter asked Mr. Graves.

"Hell, no," he replied. "You know it will take more than a little tap like that to frighten me away when I went to bed and woke up to the same music for eighteen months overseas."

Mr. Graves served in France with the Ninety-second division. He has been living in the house two weeks. White people had lived in the house until last March and since that time it has remained vacant. All the neighbors are colored.

The bombing of the Graves home recalls a similar bombing in June of the newly purchased home of Lemuel Williams, also an overseas veteran, at 2617 E. Twenty-fifth street.

## THIRD BOMBING BLASTS KANSAS CITY HOME

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### Zoning for Smaller Cities

Last Saturday the Mississippi Senate passed a bill authorizing the adoption of zoning regulations by cities in that state having 5000 or more inhabitants. The measure was introduced, we understand, at the request of the citizens of Jackson, and the original draft placed the population minimum at a higher figure. Evidently the smaller cities have become interested in zoning, for the amendment granting them authority to zone was promptly offered and readily passed.

The same tendency is noted in Louisiana. The Baton Rouge State-Times has urged our state Legislature, at its coming session, to give the capital city the right to zone within its corporate limits, and jointly with the parish police jury to zone its suburbs. Now comes the Monroe News-Star with the suggestion that Monroe should second the Baton Rouge motion to extend the zoning authority to the smaller cities. "Monroe ought to be advancing," argues the News-Star, "according to a set program. We have reached that stage of growth where this is necessary. Intelligent city planning and the adoption of zoning legislation can save the future many perplexities."

The zoning system was initiated in the greater cities under pressure of necessity. Years of haphazard growth have complicated their zoning problems, but their zoning programs are marching nevertheless. The smaller cities can, if they will, profit by the experiences of their big brother communities and, by a carefully planned development fortified by zoning regulations, avoid in their future growth the mistakes from which the older cities and their populations are suffering. Zoning should be as good for a small as for a large one. The smaller cities should be vested with the legal right to organize and conduct their development upon sound and wholesome lines.

BALTIMORE MD. MORN. SUN  
AUGUST 13, 1924

# POLICE ARREST 9 IN CLASH AT NEGRO CHURCH

Clubs, Bottles, Stones And  
Bricks Figure In  
Disorder.

DISTURBANCE PUTS  
END TO MEETING

Proposition Made To Buy  
Building As Solution  
Of Problem.

Nine men were arrested and additional police were called early today to cope with a threatened clash in connection with the second day of a protest demonstration against St. Paul's Baptist Church, colored, in the 1600 block Rutland avenue.

Seven of those arrested are negroes who approached the scene of the disorder armed with clubs and bottles. Their arrest was a virtual rescue by police from a crowd of whites who besieged them. One of the white men arrested is said to have had a brick in his hand, and the other was taken in custody when he made threatening remarks concerning the arrest of the first.

## Hostilities Resumed.

A crowd of approximately 1,500 persons thronged the street in the vicinity of the church during the early hours of the evening as hostilities were resumed by white residents against the recent acquisition of the church by the negro congregation. The offensive consisted of spasmodic fusillades of bricks and stones hurled by persons on the roofs of nearby buildings and in alleyways.

The repetition of the stone-throwing begun Monday night, is believed to have been precipitated by the assembly of a small group of negroes in the church early in the evening. Almost immediately

a leaded-glass window in the front of the building was shattered and the gathering dispersed.

## Other Windows Broken.

Other windows of the building were broken in subsequent volleys, as well as the door of a house adjoining it. This house is occupied by a negro family, to whom the property was rented by the church trustees, who bought it in connection with the church.

During the early hours of the demonstration only a few negroes were seen in the locality following the dismissal of the meeting in the church. One attempting to go through the crowd to the church, but he was taken away by police when the crowd began to jeer and threaten him.

## Groups Of Negroes Gather.

Early today, however, large groups of negroes were reported to be congregating around the outer rim of the disturbed area, and additional police were called to prevent a counter attack. The first evidence of disorder on account of their assembly was the arrest of the six who were threatened by the crowd.

According to the police records they were Milton and Nelson Thomas, 22 North Caroline street; Leroy Perry, 628 North Bond street; John Smith, 1712 Carlisle Place; Roosevelt Lee, 819 McDonogh street; John Robinson, 708 Ashland avenue, and Lewis Distance, 1118 Rutland avenue. The white men arrested were Bernard Fink, 19 years old, 1700 block Townsend Place, and Henry Schmidt, 24 years old, 1600 block North Wolfe street. Fink was said to have carried a brick.

## Crowd There All Day.

Residents of the neighborhood said a crowd remained in the block all through the day, but was augmented just before dark. The first outbreak occurred Monday night when windows in the rear of the building were broken by stones, together with windows in the adjoining dwelling.

The darkening of the building and the departure of the church members did not appease the wrath of the attackers, and the throwing continued throughout the night at frequent intervals. Arrests and threatened arrests caused derisive remarks from the crowd.

## Purchase Of Church Proposed.

Earlier in the day a movement was started by residents of the neighborhood to raise funds for the purchase of the building from the negro trustees. The pastor was told that it might be used as a community house and recreation center. The plan was suggested by Isaac A. Hahn, 1800 block Federal street, who first mentioned it to Capt.

Thomas J. Mooney, of the Northeastern police district. Captain Mooney arranged the conference with the negro pastor, who said he would place the matter before the board of trustees.

John Sterkel, an old resident of the neighborhood, who lives in the 170 block, East Federal street, said last night he would be willing to purchase the property and would make a proposition to the trustees today.

Shortly after midnight police cleared the block of the hundreds of persons who loitered there and diverted all traffic from Rutland avenue between Lafayette and Federal streets. The crowd retired to the nearest streets commanding a view of the building.

## MOB SPIRIT IN SEGREGATION

To allow any lawless movement to gain such momentum that 5000 men and women openly gather in defiance of constituted authority is not only a dangerous thing for the community but a serious reflection on those responsible for maintaining order.

Whatever objection white residents of Rutland Avenue vicinity had to a colored Christians worshipping God in their midst, is a matter of their personal privilege. They have a right to their personal likes and dislikes as long as they do not abridge the constitutional privileges of others. But when passions run riot and mob spirit controls the settlement of these personal affairs in defiance of law and order, no temporizing is in order.

Fortunately Commissioner Gaither took control before it was too late and the mob that intimidated peaceful citizens worshipping in St. Paul Baptist Church was dispersed. Like most of these outbreaks, based on a false assumption, they don't last. For if colored housing here in Baltimore had to be governed by local likes and dislikes, they would all have long been shoved off into the Chesapeake Bay. 8-22-24

Any effort to discriminate or set up legal or lawless barriers based on purely racial considerations has been decided against by the highest court in the land, and segregation, except that controlled by the common laws of supply, demand and economic ability, is impossible.

Segregation-1924

## MAPLETON CIVIC ASSOCIATION BOASTS OF SOLONS' PLEDGE

Would "Help Make a More Beautiful City"  
By "Lily White" Colonization

In a booklet edited by Edward O. Snelten, under the caption of "The Indianapolis Federation of Civic Clubs, 1923, we find this illuminating report of the activities of the Mapleton Civic League:

### Mapleton Civic Association

The present officers of this Association are as follows:

GEORGE W. BEAMAN, president, 3815 N. Capitol avenue.

J. G. BOWEN, vice-president, 3824 N. Illinois st.  
NANNIE MOFFITT, secretary, 3950 Kenwood avenue.

RAY MOCK, treasurer, 3749 Graceland ave.

\* \* \*

The Mapleton Civic Association was organized in 1920, with a membership of 360.

The purpose of this organization is to give protection to all property holders within its boundary lines.

As this is strictly a residence district, we have no railroad nor factory problem, but one of our chief concerns is to prevent members of the colored race from moving into our midst, thereby depreciating the property values fifty per cent. or more. For this reason each member of the Association has pledged himself not to sell or lease property to other than white persons, consequently some Negroes have moved out and none have moved into the district since we organized. Through our efforts the School Board has promised to provide separate schools for the colored pupils of the city, especially a high school this season, and we believe this will be assistance in segregating these people.

This association has done a great amount of work toward securing Fairview Park for Butler College. Most of the members have donated money toward the purchase of the park for the college.

We are striving to make this territory a better place in which to live, particularly a place morally and in every other way, safe for the rearing of our children into better men and women.

We are lending the Federation of Community Civic Clubs all the assistance possible as we feel that it has accomplished wonders in advocating and carrying through measures that are of lasting benefit to our city.

The Association meets the first Tuesday of each month at the Community building, corner of 40th and Capitol avenue.

It seems that the cat is out of the bag and all the high sounding reasons given by the School Commissioners to the colored committees protesting against the establishing of a high school were just so much camouflage to hide the real issue. Then

Indiana.

booklet goes on to name the various civic organizations federated under one banner and then follow these remarkable ideals:

"To Co-ordinate Community Effort.

To encourage a more useful citizenship.

To co-operate in securing better public service.

To help make a more beautiful City"

## Bomb Outrages of Middle-West Reach Indianapolis, Indiana

(Preston News Service)

INDIANAPOLIS, Ind., July 14—

The "red" tactics of house-bombing, recently exhibited in Chicago, Ill., and Kansas City, Mo., reached Indianapolis Thursday morning when the home of John R. Johnson, colored, 601 West 28th street, was bombed at 1:15 A. M.

West 28th street is largely a white neighborhood, Johnson being the only Negro resident in that block. Officers investigating the bombing state that white residents have been attempting to get the Johnson family out of the neighborhood for some time.

A parade of "protest" was held one evening a week prior to the bombing, it is said. The neighbors were indefinite in discussing the parade, none being found by the police who would say he saw it.

It is reported, however, that Mrs. Glenn Sharkey, 665 West 28th

street, next-door neighbor to the Johnson family, said she came home late one evening and saw placards marked "MOVE" stuck up in the Johnson front yard.

### Two Men Held.

Last Thursday the police held two men under high bond pending investigation of the explosion. The men held are Harry Griffin, aged 27, of 557 Udell street, and William O. Kent, aged 39, of 557 West 28th street. Police claim they received information that Griffin was seen standing in front of the Johnson house shortly before the explosion by Mr. Joseph Rothwell, 605 West 28th street, whose home was shaken by the explosion.

Police say that have been informed that Kent was seen running the night the placards were placed in the Johnson front yard. Kent and Griffin deny any knowledge of the affair.

### LIVING NEXT TO NEGROES.

We are glad that certain white men of North Indianapolis circulated a call to all white men who did not want to live by a Negro to meet at a certain place Friday night to discuss the animal and his habits. At this writing we have not been advised as to the outcome of this meeting of great and fair minded Americans but we can easily imagine that it was a hot meeting. It seems strange to us why these people who object to Negro neighbors do not take a wise and reasonable course to at least minimize the imaginary evil.

If they want the Negro to stay in strictly Negro neighborhoods, why don't they get busy and see to it that the Negro gets good streets, lights and police protection in such neighborhoods? There is no problem or mystery about it. The Negro is just a man like any other man. He moves for the same reason that any other man moves. The question of social equality no more enters into the matter with the Negro than it does with the white man.

If the excited gentleman or organization will try a little constructive work along the lines indicated, they will not in the future be bothered with Negro neighbors. Loud talking and insulting circulars certainly will not help the situation.

## BOMB OUTRAGES REACH INDIANAPOLIS

(Preston News Service)

INDIANAPOLIS, IND., July 26.—The "red" tactics of house-bombing, recently exhibited in Chicago, Ill., and Kansas City, Mo., reached Indianapolis Thursday morning when the home of John R. Johnson, colored, 601 West 28th street, was bombed at 1:15 A. M. West Twenty-Eighth street is largely a white neighborhood; Johnson being the only Negro resident in that block. Officers investigating the bombing state that white residents have been attempting to get the Johnson family out of the neighborhood for some time.

# HAND BILLS TELL OF CAMPAIGN OF HATE

Following close on the heels of the bombing of the home of a colored family on West Twenty-eighth st., a few days ago, in which the windows were shattered and the occupants thrown from their beds and for which atrocity two white men were arrested by the police comes a little pink hand bill, slipped under the doors of white residents living in the vicinity of Thirty-eighth st., and Capitol avenue, whose bold face type asks "Do you want a Nigger for a neighbor?"

*W. Freeman*  
This hand bill and its questions and invitation is said to be a new war declaration by a group of misguided individuals strung out along Maple road on Negro residents living North of Fall creek. It is said the movement is headed by a Negro-hating white woman whose sole ambition is to have every Negro in the city holding civil service, political or clerical positions rating above that of mechanic in an automobile manufacturing plant, put out of employment. *7-26-24*

This same crew is said to be oath bound not to employ any colored help around their homes, or to trade at stores that give colored people an opportunity to advance. The revenues from this Negro hating propaganda is said to pay the chief hater a tidy sum.

**Shall the blacks move into white neighborhoods on the North side and depreciate our property? Shall this part of Indianapolis remain a white residential district or be given over to the blacks?**

The above is the second paragraph of the war declaration of the hoodlum army, too indolent to create wealth themselves and too ignorant to grasp the idea that a white skin is only a badge of race and not a mark of supremacy.

"If you are interested, is the" next plea, "come to the Protest Meeting, Friday night, July 18, Community House, 40th street and Capitol avenue, which seems to be the leaguers rendezvous."

If you are a red-blooded-white American, do not let any trivial excuse keep you away. Your next door neighbor may soon be a nigger.

This last paragraph ended the bat-

tle mobilization order. Colored persons in the battle zone will probably meet and form some kind of organization to meet this latest menace to their citizenship rights.

## WHITES CIRCULATE HAND BILLS TO SAVE HOMES

INDIANAPOLIS, Ind., Aug. 2.—Hand bills circulated by the whites of this city, following close on the heels of bombing of the homes of colored families, tell of an organized campaign made by the white residents in the vicinity of 38th and Capitol avenues to keep the neighborhood "for whites only." "Do you want a Nigger for a neighbor" the bills read. *Chicago Whip*

This hand bill and its declaration is a war ultimatum and a demand that every Negro move from the neighborhood. *8-2-24*

The note reads further: "If you are interested," is the next plea, "come to the Protest Meeting, Friday night, July 18, Community House, 40th street and Capitol avenue, which seems to be the leaguers rendezvous."

"If you are a red-blooded white American, do not let any trivial excuse keep you away. Your next door neighbor may soon be a nigger."

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## NEGRO HOUSING PROBLEM STAYS

Council Impotent In Regulating Where They Can Live

### CITY'S ATTORNEY REPORTS

City Council last night found that it is helpless in the matter of prohibiting houses from being rented or occupied by negroes. The matter came before Council in the form of a petition from residents of Concord Street, formerly Church Street, South Ma-

con. Gen. H. D. Russell, city attorney, reported as follows:

"The question of the occupancy by negroes of property on blocks which have formerly been occupied by white people is an old question in the South. Various city authorities have enacted ordinances which prohibit the practice. A few years since an ordinance along this line passed by the Mayor and aldermen at Louisville, Ky., found its way to the Supreme Court of the United States, where it was held to be unconstitutional and void. This ruling of the Supreme Court of the United States has been followed by a ruling of the Supreme Court of Georgia in a case which went upon an ordinance from the city of Atlanta. In our opinion, therefore, the City of Macon is helpless in the face of this situation."

## ASK REARGUMENT IN ZONE LAW CASE

In a final attempt to establish the validity of the segregation section of Atlanta's zoning ordinance, City Attorney James L. Mayson Monday asked a reargument in the case of Mrs. Annie Mae Bowen and Luther Crittle, negroes against the city of Atlanta. In a decision handed down last week, the supreme court ruled that the segregation section was unconstitutional, and granted an injunction preventing the city from forcing Crittle to move from a section which had been zoned for white residences.

Mr. Mayson based his plea on the fact that the decision failed to cover points raised by him during the argument, and contended that the case on which the decision was based was not similar to the one being tried.

If the motion for reargument is denied, that particular section of the zoning ordinance which prohibits ne-

groes from residing in certain sections will be inoperative.

In the case in question, Mrs. Bowen rented property at 42 Chickamauga avenue to Crittle, who later was ordered to move by the city building inspector. Crittle sought an injunction to restrain city authorities from forcing him to move, but the petition was denied in Fulton superior court. However that ruling was reversed by the supreme court in the decision rendered last week. Several similar test cases are now pending in the courts.

Despite the adverse court decision, city council Monday passed several amendments to the zoning ordinance which restricts negroes in certain sections, including a block on Simpson near Tyler street. The change was approved by the city planning commission, but adversely by the ordinance committee. It was passed by council on a second reading.

## ATLANTA WINS IN COURT FIGHT ON SEGREGATION

### Segregation Section Of Law Governing Residential Zones Unconstitutional

ATLANTA, Ga., Nov. 1.—In the case of Mrs. Annie Mae Bowen and Luther Crittle, against the city of Atlanta, the complainants won a decision in the Supreme Court of the state of Alabama, which rendered Atlanta's zoning ordinance, as far as the segregation section is concerned, unconstitutional.

Mr. Crittle purchased property from Mrs. Bowen, according to the suit, in a white residential section. He, later, was threatened with ejection by city officials. An injunction was asked preventing forcing of the colored man from the property, but was denied by Judge Bell. The Supreme Court, however, reversed his decision.

The court issued no opinion with the decision, but referred to the following ruling in a similar case:

"A city ordinance forbidding colored persons from occupying houses as residences, or places of abode, or public assembly, on blocks where the majority of houses are occupied by white persons, and in like manner, forbidding white persons when the conditions are reversed, and which bases the interdiction upon color and

nothing more, passes the legitimate bounds of police power and invades the civil right to acquire, enjoy and use property, which is guaranteed in equal measure to all citizens, white or colored, by the fourteenth amendment."

"While, as a general rule, equity will not enjoin criminal prosecution, yet where the prosecution is threatened under the void municipal ordinance, and the effect of such prosecution would tend to injure or destroy property of the person so prosecuted, and deprive him of the use and enjoyment of his property, equity will entertain a suit to inquire into the validity of the ordinance, and enjoin its enforcement."

## ATLANTA SEGREGATION DEFEATED

### AN EDITORIAL

In the past few years much has been said with respect to the separation and segregation of the races, with specific references to the Negro race. In the South, especially, there have been enacted enabling measures by the Legislatures giving cities the power or right to segregate the Negro people.

The movement has a long train of history. The major of the measure has failed before the Supreme Court of the United States and recently before the Supreme Court of the State of Georgia. Just a few days ago the Georgia Supreme Court handed down a decision that the Georgia measure which segregated the Negro race and sought to sectionize or discriminate against him because of his race, was unconstitutional and denied.

Such movement as this can have but one purpose and that is to humiliate, discourage and browbeat the Negro race and at the same time increase the ill passion of an element of white people already too indiscreet and inhuman toward the blacks. The State of Georgia, with all of its ill and savage meanness toward Negroes, is to be congratulated for stopping such a snaky measure within the confines of the State and saving the South from another humiliating position which would have been the outcome before the Supreme Court of the nation.

No people will prosper long and substantially when they choose to exercise their power over a less fortunate group and especially a people who are unable to defend themselves in a court of equity or before the bar of public opinion. Public periodicals, newspapers and magazines may gloat over the fact that they keep ever to the breeze the strength, power, influence and beauty of one group and at the same time press to the front the weakness and shortcomings of another group, but strength of races and strength of nation is not made in this fashion. If the strong would be stronger, they must strengthen the weak; if the weak would be encouraged they must follow the best examples of the lives and practices of that element of citizens now or in the past who have spoken and lived for justice and fair play.

There is a big sentiment in Alabama to pass the zoning act and especially that part where it hurdles the Negroes into sections without police or fire protection, and where unscrupulous real estate agents are sold to the idea of building shanties and shacks for Negro tenants and a rendezvous for a foreign element to thrive and grow fat through their methods of robbing and scheming helpless blacks. The idea is perhaps more forward in Birmingham than any other Southern city. In certain sections white people have already staked off the territory and said how far Negroes should come, and at least one family has been forced from their home—all in the face of the law and the Constitution of our State and nation.

It is hoped that in the face of the many decisions of the Supreme Court of the United States and the decision of the Georgia Supreme Court, the white people passing this measure will see the fruitlessness of their cause and the unreasonableness of such a law. This is not to argue, in any sense, that black people want to live with white people, no more than white people would want to live with black people, but it is to say that every man, whatever his color or his garb, should protest any measure that seeks to take from him the rights of a citizen or the comforts offered and guaranteed.

The Negro has no desire for social intermingling with white people; he does desire paved streets, sewers, electric lights, gas and police protection in his neighborhood, and if he is set off in a section, there is but little hope for such protection. He has no representative in the city government to appeal to in his interest and in such fashion and under such rule he becomes a prey of every unscrupulous and inhuman real estate man. And

we can see that in this section we have many of that kind and every effort should be made to prevent the race from being subjected to any further humiliation from this class.

First, and above all, the measure is not needed; the relations of the races cannot be safeguarded through a method of this kind. Southern people have been able to adjust their feelings and matters through different measures, and this new idea will breed prejudice and race hatred from both sides. It cannot be fruitful of any good; it is an incubator of strife and destruction. Nothing can profit from it.

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Atlanta Zoning Law Which Has Caused Negroes To Be Threatened And Intimidated Declared Unconstitutional

The Georgia supreme court Friday held the Atlanta zoning law to be unconstitutional in so far as the segregation of races is concerned.

This decision was rendered in the case of Mrs. Annie Mae Bowen and others against the city of Atlanta.

The court gave out no opinion in the case, but referred to a previous opinion which applied to the present case, it was stated.

The previous decision referred to by the court was handed down on August 13, 1918, in two cases of Mrs. Bowen at 42 Chickamauga Ave., had brought suit in Fulton superior court for an injunction against the city of Atlanta.

In these cases the Georgia supreme court ruled: "A city ordinance forbidding colored persons from occupying houses as residences, or places of abode, or public assembly, on blocks where the majority of houses are occupied by white persons, and in like manner, forbidding white persons when the conditions are reversed, and which bases the interdiction upon color and

nothing more, passes the legitimate bounds of police power and invades the civil right to acquire, enjoy and use property, which is guaranteed in equal measure to all citizens, white or colored, by the fourteenth amendment."

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Segregation - 1934

Georgia

# NEGRO HOUSING PROBLEM STAYS

## Council Impotent In Regulating Where They Can Live

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"The question of the occupancy by negroes of property on blocks which have formerly been occupied by white people is an old question in the South. Various city authorities have enacted ordinances which prohibit the practice. A few years since an ordinance along this line passed by the Mayor and aldermen at Louisville, Ky., found its way to the Supreme Court of the United States, where it was held to be unconstitutional and void. This ruling of the Supreme Court of the United States has been followed by a ruling of the Supreme Court of Georgia in a case which went upon an ordinance from the city of Atlanta. In our opinion, therefore, the City of Macon is helpless in the face of this situation."

# ASK REARRANGEMENT IN ZONE LAW CASE

In a final attempt to establish the validity of the segregation section of Atlanta's zoning ordinance, City Attorney Russell Monday asked the Supreme Court to rearrange the case of Mrs. Annie Mae Bowen and Luther Crittle, negro tenants of the city of Atlanta. In a decision handed down last week, the supreme court ruled that the segregation section was unconstitutional, and granted an injunction preventing the city from forcing Crittle to move from a section which had been zoned for white residences.

From *Atlanta Constitution* sections nothing more, passes the legitimate bounds of police power and invades the civil right to acquire, enjoy and use property, which is guaranteed to all citizens, white or colored, by the fourteenth amendment. "While, as a general rule, equity will not enjoin criminal prosecution, yet where the prosecution is threatened under the void municipal ordinance, and the effect of such prosecution would tend to injure or destroy property of the person so prosecuted, and deprive him of the use and enjoyment of his property, equity will entertain a suit to inquire into the validity of the ordinance, and enjoin its enforcement."

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In the past few years much has been said with respect to the separation and segregation of the races, with specific references to the Negro race. In the South, especially, there have been enacted enabling measures by the Legislatures giving cities the power or right to segregate the Negro people. The movement has a long train of history. It has failed before the Supreme Court of the United States and the Georgia Supreme Court. Just a few days ago the Georgia Supreme Court handed down a decision which rendered Atlanta's zoning ordinance, as far as the segregation measure which segregated the Negro section is concerned, unconstitutional. Mrs. Bowen and Mr. Crittle purchased property in the city of Atlanta, according to the suit, in a white residential section. He, later, was threatened with ejection by city officials. An injunction was asked preventing forcing of the colored man from the property, but the ill passion of an element of white people already too indiscreet and in-

mate group and especially a people who we can see that in this section we have many of that kind and every effort should be made to prevent the race from being subjected to any further humiliation from this class. First, and above all, the measure is not needed; the relations of the races cannot be safeguarded through a method of this kind. Southern people have been able to adjust their feelings and matters through different measures, and this new idea will breed prejudice and race hatred from both sides. It cannot be fruitful of any good; it is an incubator of strife and destruction. Nothing can profit from it.

There is a big sentiment in Alabama to pass the zoning act and especially that part where it hurdles the Negroes into sections without police or fire protection, and where unscrupulous real estate agents are sold to the idea of building shanties and shacks for Negro tenants and a rendezvous for a foreign element to thrive and grow fat through their methods of robbing and scheming helpless blacks. The idea is perhaps more forward in Birmingham than any other Southern city. In certain sections white people have already staked off the territory and said how far Negroes should come, and at least one family has been forced from their home—all in the face of the law and the Constitution of our State and nation.

It is hoped that in the face of the many decisions of the Supreme Court of the United States and the decision of the Georgia Supreme Court, the white people passing this measure will see the fruitlessness of their cause and the unreasonableness of such a law. This is not to argue, in any sense, that black people want to live with white people, no more than white people would want to live with black people, but it is to say that every man, whatever his color or his garb, should protest any measure that seeks to take from him the rights of a citizen or the comforts offered and guaranteed.

The Negro has no desire for social intermingling with white people; he does desire paved streets, sewers, electric lights, gas and police protection in his neighborhood, and if he is set off in a section, there is but little hope for such protection. He has no representative in the city government to appeal to in his interest and in such fashion and under such rule he becomes a prey of every unscrupulous and inhuman real estate man. And

# Atlanta Zoning Law Which Has Caused Negroes To Be Threatened And Intimidated Declared Unconstitutional

The Georgia supreme court Friday held the Atlanta zoning law to be unconstitutional in so far as the segregation of races is concerned. This decision was rendered in the case of Mrs. Annie Mae Bowen and others against the city of Atlanta. Mrs. Bowen and Luther Crittle, a Negro, who owned property from Mrs. Bowen at 42 Chickamauga Ave., had brought suit in Fulton superior court for an injunction against the ejection of Negro tenants of the property. The injunction was granted by Judge George L. Bell and the supreme court reversed Judge Bell's decision. The court gave out no opinion in the case, but referred to a previous opinion which applied to the present case, it was stated. The previous decision referred to by the court was handed down on August 13, 1918, in two cases of Glover against the city of Atlanta in which Judge Richard B. Russell

now chief justice of the Georgia supreme court, and Attorney Harry A. Etheridge, represented the plaintiffs, while City Attorney James L. Mayson and Sam D. Hewlett represented the city. Court's Ruling In these cases the Georgia supreme court ruled: "A city ordinance forbidding colored persons from occupying houses, or places of abode, or public assembly, on blocks where the majority of houses are occupied by white persons, and in the manner forbidding white persons when the conditions are reversed, and which based the interdiction on color, is unconstitutional, and passes the limit of bound

of police...  
10-23-24

While, as a general rule, equity will not enjoin criminal prosecution, yet where the prosecution is threatened under the void municipal ordinance, and the effect of such prosecution would tend to injure or destroy property of the person so prosecuted, and deprive him of the use and enjoyment of his property, equity will entertain a suit to inquire into the validity of the ordinance, and enjoin its enforcement.

In the instant case, it was alleged that C. J. Bowen, city building commissioner, had threatened to prosecute the plaintiff for the violation of the ordinance, and that the plaintiff was in danger of losing his property.

Assistant City Attorney Wood stated Friday that the segregation section of the ordinance was only one of his many features, and that the remainder of the ordinance would remain unimpaired by the supreme court's decision.

He pointed out that in another case, about ten years ago, the supreme court declared unconstitutional a city ordinance which had the segregation of the races as its sole feature, but declared the present case to be vitally different because of the many other provisions in the present zoning law.

## SEGREGATION SECTION IS UNCONSTITUTIONAL

As far as the segregation section is concerned, Atlanta's zoning ordinance is unconstitutional, according to a ruling handed down by the supreme court Friday in the case of Mrs. Annie Mae Bowen and Luther Crittle, negroes, against the city of Atlanta. Crittle purchased property at 42 Chickamauga avenue from Mrs. Bowen according to the suit, and the negro later was threatened with eviction by city officials because of the fact that the house is located in a white residential section. An injunction was asked preventing forcing of Crittle from the property, but was denied by Judge George L. Bell. The supreme court decision reversed his ruling.

No other section of the ordinance will be affected, it was stated Friday by Assistant City Attorney Jess Wood, who explained that the segre-

gation section is only one of the features of the zoning laws.

The court issued no opinion with the decision, but referred to the following ruling in a similar case:

"A city ordinance forbidding colored persons from occupying houses as residences, or places of abode, or public assembly, on blocks where the majority of houses are occupied by white persons, and in like manner forbidding white persons when the conditions are reversed, and which bases the interdiction upon color, and nothing more, passes the legitimate bounds of police power and invades the civil right to acquire, enjoy and use property, which is guaranteed in equal measure to all citizens, white or colored, by the fourteenth amendment."

"While, as a general rule, equity will not enjoin criminal prosecution, yet where the prosecution is threatened under the void municipal ordinance, and the effect of such prosecution would tend to injure or destroy property of the person so prosecuted, and deprive him of the use and enjoyment of his property, equity will entertain a suit to inquire into the validity of the ordinance, and enjoin its enforcement."

# THE CURTIS CASE

By Benjamin L. Gaskins

The decision of the Court of Appeals in the case of *Corrigan et al. vs. Buckley*, generally referred to as the "Curtis case," was delivered by Mr. Justice Van Orsdel on Monday and is printed in full elsewhere in this issue.

As this case is likely to be far reaching in its effects, it is to be hoped that its scope and effect will not be misconstrued nor misunderstood. The sum and substance of the decision is that a covenant whereby the owners of certain parcels of land agree among themselves that none of them will sell, convey, or lease any of such land to a Negro is not invalid as contrary to the provisions of the United States Constitution, nor void as against public policy.

Washington

In so far as the decision holds that the covenant therein described is not within the inhibition of the Constitution, it seems to be agreed by lawyers generally that it is in accord with the great weight of authority on that point. It has been held by the Supreme Court of the United States in a number of cases that the 14th Amendment, invoked by the defendants in the Curtis Case, applies exclusively to action by the state and has no reference to action by individuals. The precise question involved in the Curtis case however, has not been before the Supreme Court of the United States; but, in the only Federal case directly in point (*Gondolfo vs. Hartman*), such a covenant was held to be repugnant to the 14th Amendment; and as this was the case relied upon by the defendant's counsel, it is to be regretted that no reference was made to that decision by the learned Justice in his opinion.

6-7-24

Nevertheless, we have nothing to gain by a lack of candor and frankness in the discussion of matters of public interest and we must therefore admit that not only the greater number, but as it appears to us, the better reasoned cases, which have dealt with the subject hitherto, are in accord with the opinion in the Curtis case so far as the Constitutional question is involved.

But as far as the court holds that such a contract is not contrary to public policy, the decision is more open to question. Of the cases relied upon to sustain this point, *Queensborough Land Co. vs. Cazeau* (a Louisiana case), was based upon a construction of statutes in a system derived from the civil law, whereas, in this jurisdiction, questions of public policy are settled upon principles of the common law of England, as modified by statutes and the customs of our country. The two other cases cited in support of his opinion by Mr. Justice Van Orsdel are *Koehler vs. Rowland* (a Missouri case), and *Los Angeles Investment Co. vs. Gary* (a California case). In the latter of these a sharp distinction was made between covenants designed to prevent the USE AND OCCUPANCY of lands by, and those designed to prevent TRANSFER OF TITLE to, Negroes. This distinction seems to have been entirely overlooked by the learned Justice who wrote the decision in the Curtis case.

In the Gary case, the California Supreme Court distinctly said: "The condition that the property be not sold, leased or rented to one not of Caucasian blood is clearly a restraint on the alienation . . . . and is, therefore, repugnant to the interest created by the deed. . . . The condition however, that the property should not be OCCUPIED by persons not of Caucasian birth is in a different category. It is not a restraint upon the ALIENATION [transfer of title or sale] but upon the use of property."

This distinction may be of no practical moment as far as the

property, or rather properties, that gave rise to the controversies of which the Curtis case is one, are concerned; still it seems to us, that the force of the decision is lessened by the failure of the court to take notice of the distinction between attempted restraints upon ALIENATION and those upon the USE to which real property may be put. The difference is substantial and important and has been expressly recognized in many cases.

In the California case, the Supreme Court of that state calls attention to this distinction and approves a case in that state where the precise question involved in the Curtis case was treated with elaborate and apparently unanswerable legal logic, and where the court reached a conclusion entirely at variance with the conclusion of our Court of Appeals. Unfortunately, this case (*Title Guaranty Trust Co. vs. Garrett*, 183 Pacific Reporter, page 471), does not seem to have been called to the attention of the court in the Curtis case. Just what effect it might have had upon the minds of the learned Justices of the Court of Appeals we cannot say. It may not have appealed to them as it does to us, as unanswerable in its legal logic.

In the Garrett case the Supreme Court of California expressly notices the *Queensborough Land Co.* and the *Koehler* cases as being "the ONLY cases which have come under our notice wherein the courts have passed directly upon a condition in a deed such as that now before us"; and of them it says: "As we are constrained to disagree with each of these cases, a somewhat more elaborate presentation of the reasons for our conclusion is demanded than ordinarily would suffice." After an elaborate review of the authorities and an extended history of the rise and growth of the doctrine announced, the Court concludes, "for these reasons, we hold that the conditions against alienation (i.e. to any person of African, Chinese or Japanese descent) is a condition repugnant to the fee simple estate created by the grantor of the deed and is . . . . void."

It is difficult for a popular organ to discuss the intricate questions involved, but we refer the curious minded to the cases above noted, which were relied upon by the Court of Appeals, and to which we have adverted.

It is to be hoped that the decision will not be allowed to stand unchallenged. It is impossible to predict the practical results that will flow therefrom. Conditions in the real estate market are controlled by the laws of supply and demand. Changes in neighborhoods are more the result of fluctuations due to normal and natural growths of the community, than to decisions of courts. The efforts of individuals to limit and restrain, according to their whims and prejudices, the alienation of land are generally abortive.

We feel that the worst evil to be expected from the decision is the lowering of the morale of our group. Rightfully or wrongfully, it has long been the impression of the Negro that his rights are not as jealously guarded by the courts as they should be; and it is to be regretted that a decision so contrary to the hopes of so large a part of the community should not have been based upon more persuasive legal reasoning.

Those of us who know from long experience that the courts of the District of Columbia are religiously zealous to do even handed justice between litigants regardless of color are always ready, willing, and anxious to justify decisions that are distasteful to our own people. But, however devoutly we may wish to impress them with the righteousness and infallibility of the courts, we cannot do so when we are unable to square such decisions with our own notions of legal principle.

It is to be regretted also that the learned Justice who wrote

this decision, went outside of the issue to discuss questions not therein involved. For, while at the outset the opinion stated: "We are not dealing with the validity of a statute or municipal law, or ordinance," fully one-third of the opinion, if not more, is taken up with a discussion of those matters. And just what legal or logical connection the question of "social equality" can have with the rights of individuals to impose restraints upon the sale of real property, it is hard to see. Yet the learned Justice takes occasion to remind us, "Nor can the social equality of the races be attained either by legislation or by forcible assertion of assumed rights." As he had previously pointed out, no question of legislation was involved; and we are at a loss to understand the reference to "forcible assertion of assumed rights." May it not be that at that point at least, the learned Justice himself misconceived the real question herein involved?

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*William D. Owen*

6-1-27  
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Segregation - 1924

## Segregation Law To Be Tested In Louisiana

New York, July 18.—The National Association for the Advancement of Colored People, 69 Fifth Avenue, has received word that the Louisiana State Legislature has enacted a measure, which has been signed by Governor Fuqua, providing for the segregation of colored and white people in communities having a population of 25,000 or more.

The N. A. A. C. P. announced, upon receipt of the report that the law would seem to be in violation of the decision of the Supreme Court of the United States as handed down in the Louisville Segregation case, but that the Louisiana measure would be fully investigated with a view of taking legal action.

G. W. Lucas, president of the New Orleans Branch of the N. A. A. C. P., who reports the new law, writes:

"This bill evidently was prompted by protests against certain of our people who are purchasing property in districts heretofore known as white. The first known attempt on the part of the authorities to force this act will be met by protests from the New Orleans Branch of the N. A. A. C. P."

## Residential Segregation in America

### Depends on Case in Supreme Court

Similar Cases in Five States Awaiting Outcome of Washington Fight, Says Cobb.

Segregation cases before the courts in five States in this country, and the entire question of residential segregation of colored people and other groups in America, depends upon the case now being carried on appeal before the Supreme Court of the United States by the National Association for the Advancement of Colored People, 69 Fifth Avenue, it was announced to-day. James A. Cobb of Washington, who is conducting the case for the Advancement Association, who visited the New York office of the N. A. A. C. P., said that

General.

"What is involved is the question of residential segregation, not only against colored people in America, but against Catholics, Jews and any other groups property owners may care to bar out by agreement among themselves. The present case, as the N. A. A. C. P. has already warned the colored people of America, is fully as important as, in fact it is more important than, the Louisville segregation case, on which decision was rendered by the Supreme Court of the United States in 1917. By the terms of that decision no municipality may enact residential segregation into law. But property owners are now seeking to evade that decision by writing their own segregation law into agreements among themselves, not to sell to colored people. If this color bar against colored people is sustained it would have the practical effect of nullifying the victory won in the Louisville case.

"Colored people throughout the United States, therefore, have every reason to be vitally interested in this matter. Every colored property owner or potential property owner and home owner in America will be affected by this decision, whether he is a man of wealth or a man of modest means. For, if this segregation should be permitted, it would mean more crowding in colored residential districts, more exploitation of colored tenants, greater disregard and neglect of colored districts, besides legal sanction for a slur upon colored Americans.

"It is not alone the colored people who may be affected. If this bar is sustained against them there is no reason whatever why similar bars should not be invoked against other minority groups in America, such as Catholics, Jews, Japanese, etc. It behooves all right-minded citizens to realize the importance of this fight being conducted in their behalf and to render assistance in it, if they are able to do so."

Associated with Mr. Cobb in the conduct of the case are William H. Lewis of Boston, former Assistant U. S. Attorney-General; James P. Schick, and Henry E. Davis of Washington, former U. S. Attorney and former Corporation Counsel for the District of Columbia. Associate counsel are Arthur B. Spingarn and Herbert K. Stockton, respectively chairman and member of the N. A. A. C. P. national legal committee; also Emory B. Smith.

In connection with the above announcement the National Association for the Advancement of Colored People stated that a fund of at least \$5,000 would be needed to fight the case to a conclusion. "We spent upwards of \$15,000 to save twelve men condemned to death in Arkansas and to free 67 others from long prison terms," said James Weldon Johnson, N. A. A. C. P. secretary. "The victory in those cases was a blow against peonage. We propose now to strike a blow equally powerful against residential segregation in America. Every colored man and

woman who is able, for the sake of themselves and of their own people, ought to contribute to help obtain another decisive victory."

## U. S. SUPREME COURT AND RESIDENTIAL SEGREGATION

### Cases In Five Different States Hinge On Decision Of The Highest Tribunal Of The Land.

### Catholics, Jews And Others Would Suffer By Adverse Decision. N. A. A. C. P. Is Fighting The Case.

NEW YORK, Sept. 15.—Segregation cases before the courts in five States in this country, and the entire question of residential segregation of colored people and other groups in America, depends upon the case now being carried on appeal before the Supreme Court of the United States, according to a statement issued by the National Association for the Advancement of Colored People a few days ago. James A. Cobb, of Washington, who is conducting the case, said that similar cases were pending in St. Louis, Baltimore and in California, Michigan and Louisiana.

"The Key case," said Mr. Cobb, is that of Mrs. Helen Curtis, who, because of her color was enjoined from taking title to property which she had purchased from a white property owner, on the ground that the sale violated a white property owners' agreement not to sell to Negroes. Adverse decision having been rendered by a lower court the case has been taken on appeal to the Supreme Court of the United States, where it will probably be advanced on the calendar.

"This case has aroused enormous interest throughout the United States. Practically every Southern Congressman in Washington has applied for a copy of the record of the case and similar cases in other parts of the country are being held to await decision in this case.

"What is involved in the question against colored people in America, but of residential segregation, not only Catholics, Jews and other groups property owners may care to bar out by agreement amongst themselves. The present case, as the N. A. A. C. P. has already warned the

colored people of America is fully as important as, in fact it is more important than, the Louisville Segregation case, on which decision was rendered by the Supreme Court of the United States in 1917. By the terms of that decision, no municipality may enact residential segregation into law. But the property owners are now seeking to evade that decision by writing their own segregation law into agreements among themselves, not to sell to colored people. If this color bar against colored people is sustained it would have the practical effect of nullifying the victory won in the Louisville case.

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"It is not alone the colored people who may be affected. If this bar is sustained against them, there is no reason whatever why similar bars should not be invoked against other minority groups in America, such as Catholics, Jews, Japanese, etc. It behooves all right minded citizens to realize the importance of this fight being conducted in their behalf and to render assistance in it, if they are able to do so."

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10-8-24

Segregation - 1924.

## KELLY MILLER SAYS

The Negro must fight segregation in cities all along the line. If we allow this limitation of residential rights to go uncontested, the race will be shut up in the alleys and shade places of all the cities in America.

### Residential Segregation

In all of our large cities with a considerable Negro population, the white people are seeking in one way or the other to establish separate residential areas for the two races.

In most instances this can be done by undersanding among the manipulators of real estate who agree among themselves that they will neither rent nor sell to Negroes within certain prescribed sections. As long as they all live up to the gentleman's agreement, the colored race is impotent to break through the barriers. It is only when the sense of gain outruns the restraints of a common understanding that the colored buyer or renter breaks over his confines into the forbidden territory.

When this occurs with threatening frequency, recourse is sought to legal expedients to fix the residential boundaries by statutes. Some ten years ago Baltimore, Louisville, and sundry other cities had undertaken to enact ordinances setting forth the conditions under which certain blocks should remain forever white or colored according to the present proportion of the two races. All such ordinances were declared unconstitutional by the Supreme Court of the United States on the ground that they violated the Fourteenth Amendment to the Constitution.

### The War Period

ing that this decision was rendered just as this nation was about to engage in the world war. The case had been brought by the N. A. A. C. P. and argued before that august tribunal fully a year in advance of the decision, the court calling for reargument before opinion was handed down. It is also worthy of note that the only affirmative decisions upholding the rights of the Negro under the Constitution of the United States were rendered during the period of the war for democracy.

This decision in no wise deterred the determination of the cities to keep the races residentially separate. The effort merely took a different direction. In fact seg-

regation was accelerated at a greater speed after the decision than before. In this tendency and purpose the white race presents a solid phalanx. There is no difference between North and South, Democrat or Republican, Protestant and Catholic on this issue.

In quest of some legal contrivance that will stand the test of the courts, Washington city has devised the plan of a covenant of agreement among property holders not to sell or rent to persons of African extraction for a period of twenty-one years. The colored citizens of the national capital are now testing the legality of such covenants. The Supreme Court of the District of Columbia has rendered a decision in favor of their legality. We are now pushing the case through the Court of Appeals, and if need be, through the Supreme Court of the United States.

### Segregation In Baltimore

In the mean time Baltimore City is proposing a scheme of zoning whereby the races will be restricted to exclusive zones as part of the police powers of the state. The judge of the local court has given an opinion out of court, that the Baltimore plan will stand the test of law. The colored people of the Mounmental City are again called upon to defend their rights to free and unrestricted residential range.

What Washington and Baltimore are doing all of the other cities are contemplating or planning to do. The Negro must fight all along the line. If we allow this limitation of residential rights to go uncontested, the race will be shut up in the alleys and shade places of all the cities in America.

If no Negro had broken over the traditional boundaries of residential restriction in Washington and Baltimore against the protestation of white people whose section was invaded, the race would still be confined to South Washington and South Baltimore, the least desirable quarters of the respective cities.

The Negro race as a whole should unite in establishing a defensive fund to defend its constitutional rights in the highest court of the land. The cases should be consolidated, regardless of the city

in which they originate. If the various civil rights bodies would unite under such combinatory influence as the Negro Sanhedrin proposes to exert, the nation-wide threat of segregation could be handled with efficiency and dispatch. This is the method of procedure employed by the Jews and the Japanese when their racial welfare is placed in jeopardy.

### Underwood and the Ku Klux

It is announced that Senator Underwood will pitch his platform on an anti-ku klux basis. The Alabama candidate will combat the un-American organization, not merely, or even mainly, as it operates in the South, but its nefarious workings in the North and West.

It is indeed of deep interest that the Southern candidate proposes to teach the North the beneficence of law and order. For fully two generations the South has not dared suggest a presidential name from that section on account of the moral and political blunder of the civil war.

Politics brings curious transformations. Will the Republicans allow the Democrats to steal their moral thunder? Or will the North allow the ethical supremacy to pass to the South? The three most devoutly patriotic and distinguished presidents were undisputedly George Washington, Abraham Lincoln and Theodore Roosevelt; of a fourth should be added, it would undoubtedly be Woodrow Wilson; all of whom were wholly or in part of Southern derivation. We shall watch the candidacy of Senator Underwood with great interest by reason of its moral possibilities.

BIRMINGHAM, ALA.

### HOUSING OF NEGRO PROBLEM IN NORTH

Invade White Districts, Says Secretary Of New York Association.

Cupidity on the part of the white man, ambition on the part of the negro, and northern traditions are distinctly against the solving of the problem of

General.

housing the negro citizens in the jurisdiction of the New York State Association of Real Estate Boards, according to reply made to an inquiry from that section of the Birmingham Real Estate Board, the letter from Birmingham, in reply to the inquiry, being prepared by Sam C. Starke, executive secretary of the local board.

Mr. Starke sets out in the outset that neither race here cares to invade, it would seem, any district preeminently devoted to the other. That is to say, the negroes do not even try to buy in well-established white sections and, of course, the better class of whites do not live close to the negroes, except in those border zones between the two where a mixture occurs.

The letter from the New York association, postmarked Utica, follows:

"No doubt you are aware that the past few years there has been a heavy migration of negroes from the South to the northern states and we are gradually being confronted with the same perplexing condition as to housing this element as you have had for years.

"As far as the writer is aware, there is no law or statute in the state of New York which prohibits the owner of property located anywhere from selling it to anyone he chooses, white or black.

"Consequently, as a result of the great influx of negroes, some of them are purchasing homes and home sites in the very heart of the residential sections of our cities to the great detriment of values of neighboring properties. We seem to be powerless to stem such encroachment and you can readily appreciate what a property owner can do to his street and neighborhood in the way of depreciating property values.

"How do you treat the same subject in your city? Have you laws in your state that have any bearing on the subject? We will greatly appreciate any advice you can give us on this subject, so that it will reach me on before Jan. 18, the next meeting of the above division in this city.

"Appreciation and thanks in advance."

Secretary Starke's reply to the above is given below:

"Having partially recovered from the astonishment caused by your favor of the 10th inst. in regard to housing your negro citizens, I shall in all modesty and with due recognition of my temerity venture a suggestion as to how the matter solves itself down here. I recognize the fact that we of the South, have always been so close up against this negro problem that we could never hope to solve it in the spirit of fairness, justice, and humanity that the academicians of the North demanded of us in their ignorance of the real conditions and their safe position far away from the scene of action. Assuming that Fall River and Boston, and even Providence, R. I., have grown irritable over your inhumanity and will no longer even try to convert you to an altruistic and genuine brotherhood among men, and especially among all citizens of our own country. I will, without further playful banter, address myself to your very reasonable request.

"In the very outset, I would state that neither race here cares to invade, it would seem, any district preemi-

nently devoted to the other. That is to say, the negroes do not even try to buy in well-established white sections, and of course, the better class of whites do not live close to the negroes, except in those border zones between the two where some admixture occurs. In short, my dear sir, your problem may hardly be said to exist here at all. A general understanding seems to prevail, and we have no city ordinance or state law to prevent what you are striving against. Recently our state legislature passed an enabling act to allow our large cities to put in zoning ordinances. When the matter was pending, we were advised by local attorneys that no racial distinctions could be made as same would render a zoning act unconstitutional, and so none were made.

"It would be distinctly prejudicial to a prominent white man here to sell a fine home or a fine lot in a truly white section to a negro. Again, I can only guess that the purchaser under these circumstances would be running the risk of rather serious embarrassment of some sort or other. This just doesn't happen. The whole thing would be so utterly distasteful and so against the public welfare, we do not even have to sit up nights thinking about it.

"In our finest residence section nearly always are to be found servants' houses in the rear, frequently with an alley approach. Again, as business encroaches upon residence property, it frequently happens that formerly white property is turned over to negro renters previous to being absorbed in time by business. In our downtown district where, of course, there are few or no prominent homes, many negroes live in cottages on the streets and particularly on the alleys in the rear. Then, too, we have scattered over our 56 square miles of territory many sections almost wholly given up to negroes. You can readily understand that on the borderland between a white residence section and a strictly negro section there occurs here and there a very close proximity of one race to the other. Frequently, foreigners doing business largely with negroes, have their store and residence on the same lot immediately in a truly negro district. Either the foreigner does not object seriously to the surroundings, or is willing to put up with them until he has made enough money to go into a strictly white locality.

"It is difficult to really suggest anything to help you in your peculiar situation, which distinctly does not obtain here in our Southland. The negro understands the white man, knows what to expect, and is accustomed to the traditions that have long guided both race. When he becomes too impatient of restraint, the negro is easily induced to go to the North where he hopes to find the situation much more to his liking in every particular. As you know, many of them return to the South, much disillusioned.

"You will pardon, I trust, the length of this letter and its bareness of helpful suggestions. The truth is I do not know what to suggest. While tradition is of enormous help to us, traditions in regard to the North are distinct influences to aggravate your problem enormously, reinforced as they are by the fourteenth amendment to the constitution of the United States. I dare not advise you to try to put through any law or ordinance in con-

met with the amendment. Cupidity on the part of the white man, ambition on the part of the negro, and northern traditions are distinctly against you in solving the problem.

"Hoping you will take the banter in the first part of this letter in perfect good humor, I am,

"Very truly yours,

"(Signed) S. C. STARKIE,

"Executive Secretary"

"Birmingham Real Estate Board"

## SEGREGATION CONFERENCE

They say that "It is an ill wind that blows no good," and swept up in the whirlwind of racial fury and segregation we have with us a Mayor's conference consisting of outstanding men of both races to discuss local housing.

Whatever the outcome of this matter the principle of studying it in the light of the common welfare of both white and colored citizens can have no bad effect. If both sides enter this conference in the spirit of arriving at a fair and just solution of the problems involved, there is little doubt but that this experiment will form the precedent for other conferences on matters of common interest to both races.

While the question of legalizing segregation has been definitely settled by the courts and this phase of the matter could hardly with decency be brought up in such a conference, there are many phases of local housing that need a good airing. It would be a good time to discuss in their broader reaches some of the deep-seated evils of our present tenant system.

There are still many white men and women that do not realize that it is not possible to segregate the interests of races living together as we do here in Baltimore. In the final analysis the most exclusive residence area in Roland Park is not safe, when there are slums anywhere else in the city. Germs of disease and vice that originate in the filthy alleys of the congested district today may find their habitat on the breakfast table of the most exclusive district tomorrow. And since the segregation idea can never be more than a state of mind, and a myth, why make it a breeder of discord, and agency to prostitute human liberties and create conditions more backward and intolerable than we have.

The Negro is not fighting for houses besides white neighbors. He is fighting for the same equal chance to live in the best places and under the best conditions that his circumstances will permit. This is human.

Segregation-1924.

Delaware.

## Appeal To School Board Because A Music Teacher Moved Into White Dist.

Associated Negro Press

WILMINGTON, Del., July 23.—The board of education decided that it could not permit its employees to live in any specified district. A petition was presented by some of the residents living in the vicinity of Thirteenth and Tatnall streets protesting against a teacher living in that neighborhood. The teacher is Charlotte Slowe, who recently moved into Tatnall street. All other houses in the block are occupied by white persons. 7-25-24

Miss Slowe is a principal of No. 22 school. She formerly lived at Second and Justison streets, but a little more than a month ago she purchased the 1301 Tatnall street property. Part of the house she altered into an apartment which she let to another colored family.

A few months ago two Jewish families moved into this white neighborhood. The whites resented it by voicing their comment to the colored women who were employed as maids and cooks. But they said nothing to the Jews nor made any complaint to the police.

# Segregation - 1924.

D.C.

6-4-24

## CONSISTENCY IN OPPOSING SEGREGATION.

The bathing beach enigma in the District of Columbia leads to a serious consideration of the question of segregation in all its phases.

*Washington Eagle*  
The Congress appropriated the sum of \$25,000 for the construction and maintenance of a bathing beach for the colored people. This sum was made available for the fiscal year ending June 30, 1923. It was re-appropriated for the fiscal year ending June 30, 1924. While no provision has been made in the District of Columbia appropriation bill for the fiscal year ending June 30, 1925, it is expected that an item continuing this appropriation will be put in the bill in conference.

5-31-24

But the big question has centered upon the location of such a beach. First, there are some colored persons who are opposed to a separate beach and believe that they should have the right to use Tidal Basin, if they see fit. The Secretary of War decided upon the west side of Tidal Basin opposite the beach now used exclusively by whites as a desirable site. Then comes the Federation of Civic Associations and makes a selection of a strip of beach on the Potomac River east of Bennings.

The issue should be more clearly drawn. It should be solely upon the question of whether or not the colored people are to enjoy equally the bathing beach already constructed for the use of the people and maintained by Government funds.

Segregation in any form is objectionable. It places a badge of inferiority upon the race proscribed against, and certainly the Government of the United States should not engage in discriminating against any of its citizens.

But some of the very colored people who are protesting loudest against a separate beach have clamored for separate schools. Some of them preside over "jim-crow" sections in Government departments.

Public places in the District of Columbia bar Negroes entirely. The Civil Rights Bill is as dead here as the Fourteenth and Fifteenth Amendments in some Southern States.

And worst of all the colored people accept this segregation and discrimination on account of race complacently.

If a separate beach is objectionable, then separate schools are more objectionable. If a separate bathing beach is not wanted, then the "jim-crow" sections in the departments should be done away with.

## THE WASHINGTON SEGREGATION DECISION

The Court of Appeals of the District of Columbia has handed down a decision legalizing the Washington segregation contracts. The court holds that any owners of real estate or group of owners who enter into agreements or covenants not to sell the property set forth in such agreements, are legally bound by such agreements and covenants.

*The Baltimore Herald*  
What is more amazing, the learned court held that such agreements are not "segregation," because Negroes can combine and exclude sale of properties to whites under similar agreements. Segregation has been held by the United States Supreme Court to be illegal, hence, to avoid that rock the District Court, per force, had to hold that contractual exclusion is not segregation. A wonderful decision, one worthy as a successor of Justice Taney's

Dred Scott decision.

In order that there can be no further play upon words by the Court it will be necessary to secure from the United States Supreme Court a full and complete definition of "segregation" as falling within the inhibition of the 14th Amendment, and the Federal statutes thereunder.

There is just about as much sense, and no more, in a Court declaring that segregation is not segregation when whites segregate Negroes because Negroes can also segregate whites, as there would be in solemnly declaring that murder is not murder when a white man or a mob murders a Negro because Negroes can also murder white men.

This decision by the highest local court in the Capital of the Nation shows the drift of sentiment among the white people and the intense effort that is going to be made to hedge in and restrict the Negro in his rights and privileges in this country. It is an index finger that points to an attempt to unite and concentrate the white people of this country upon the principle of law laid down in the Dred Scott decision of seventy years ago, that "the Negro has no rights which the white man is bound to respect." It means that, instead of justice plain, simple and unadorned, there is going to be an effort to subvert justice and substitute therefor the white man's will in all matters in which the Negro is involved as a party contestant.

There is nothing left for the Negro but to fight the damnable outrage to the last ditch in every way known to the art of warfare.

There is no contention that an individual or a group or community of individuals, single or collectively has not the right to sell or refuse to sell any property, realty or personal, to any other individual or group of individuals, but that they have the right to attach as binding upon the property any covenant or agreement to sell or not to sell is an abominable infamy and illegal.

We hope that the Negroes throughout the Republic realize the seriousness of this issue of contractual segregation and will begin to prepare for an unending fight until it is smashed forever.

## RECOGNIZES COLOR LINE IN REAL ESTATE DEALS

*District of Columbia Court Sustains Agreement Not to Sell to Negroes.*

*Special to The New York Times.*  
WASHINGTON, June 2. — Drawing the color line to prevent the purchase of houses by negroes in residential sections of Washington is lawful, according to an opinion handed down today by the District of Columbia Court of Appeals.

The court holds that property owners in a neighborhood who fear that an invasion of colored residents may take place unless the white owners are bound together in a solemn contract to exclude negroes may pledge themselves not to

sell, rent, give away or in any manner transfer any property to negroes. It rules that such a covenant is binding and cannot be held for naught by one of the signers.

The decision in point was in the case of John J. Euckley, who sued Irene Hand Corrigan to prevent her from selling a house in S Street N. W., to Helen Curtis, a negro woman. The lower court issued an injunction preventing the sale on the ground that it was a breach of the covenant signed by thirty owners of neighboring property.

6-3-24

# OCEAN 'JIM CROW' FOR LADY DAVIS AND MR. HAYNES BOUND FOR PANAMA

**All Negro Passengers, Paying First-Class Fare, Are Segregated in "Annex" and Dining Room—Incomparable Beauties of the Tropics**  
By S. A. HAYNES

AT SEA. ABOARD STEAMSHIP PANAMA.—Today the blue Atlantic has donned its summer garb. The sky is clear and all around there is peace and rest and love. This mighty ocean, which sometimes sends ships and gold and human beings to rest in the cemetery of its bosom; this ocean, which was so good and kind to our beloved Prince Robert L. Poston, on his way to the Fatherland, and so unkind to him on his return, is today smiling like a child. Its broad expanse, coupled with the soft, sweet melody of its waves, recites the grandeur of its garden.

Yesterday our pride was wounded, our dignity assailed, and our honor attacked by the monster Prejudice. Scarcely had we stepped off the gang-plank when we were made to realize that we were representatives of an inferior race as far as achievements go. Asking to be shown to our rooms, we were politely informed by the deck steward that our rooms were in the annex and we would have to wait in the dining-room until the hatchway top was on, so we could pass over. They were loading freight on our arrival, so that the salutation of the deck steward warped us that we were to experience an embarrassment of which we had a slight imagination. The boat was scheduled to leave at 3:30 p. m., but it was two hours more before we headed for the Atlantic.

## "Bridge of Sighs"

While waiting patiently to go to our rooms the supper gong sounded, much to our relief and, later on, disgust. On our attempt to embrace the first sitting we were informed that we must wait for the second, even though there were accommodations aplenty. We were forced to eat with dirty hands and faces, not having an opportunity to go to our rooms and cleanse our skin and pores of the sweat and dirt accumulated from the hot and dusty atmosphere of the metropolis. After eating little and thinking much, we went to our rooms in the annex on the lower deck. To reach it we had to cross the hatchway, named by us "The Bridge of

Sighs." The annex has eight rooms, all occupied by men and women of color; so, fairly speaking, the "Bridge of Sighs" is a typical Mason-Dixon line on the steamship Panama. Asked why such humiliation, the purser informed us that rooms are assigned when final application is made for reservations, inferring that those of us in the Jim Crow annex applied for reservations after our white colleagues in the original lower cabin.

As to our dining last, that was as it should be, even though we were first class passengers entitled to first class service. The annex in design and fittings is representative of the traditional Jim Crow car in Georgia and Texas.

These insults were hurled at us within sight of the Statue of Liberty. We thought on our arrival in the annex, and during our stay in the dining room, that we were embarking from the port of New Orleans, or Mobile, but the campaign button on the purser's coat, "Al Smith," reminded us that the Democratic convention was in progress in Madison Square Garden and that we were really embarking from the port of New York.

Besides myself and Lady Davis, Mrs. Edwards and Master Paul, wife and son of Dr. Edwards, prominent citizen of Colon; a fair daughter of Haiti; four cultured sons of Cuba, Haiti, and Santo Domingo, and a Negro petty officer of the United States navy were also inmates of the famous annex.

## Negroes Must Own Ships

Why wonder? Why pray? Let every man and woman of color about a speedy realization of the far-flung vision of Marcus Garvey by placing our own ships on the mighty deep and make the race a commercial factor to be reckoned with in the future.

This is our third day at sea. The ocean's smile, which kept us company yesterday, is replaced by the grim countenance of seriousness. The waves are lashing us on either side, rocking the ship most distastefully. The wind is on a rampage, singing and whistling. It has driven us from our chairs on the promenade deck to the cosy asylum of the social hall, where we rub elbows

together. While the rampage rages without, eyes are trained on books and periodicals; minds are active; slick fingers move swiftly around the whist tables; some are busy writing love missives and business letters, others are singing, yet others lay asleep in their berths—they are making their first contribution to the sea-seasickness. Lady Davis, queen of the deep, is hale and hearty. This is her thirtieth sea voyage and, while others curse the attitude of the waters, she commends the wind for its rampage and thanks the waves for their song.

We have reached the tropics. There's a smile on every face. There's laughter and merry-making all around. Unlike yesterday the promenade deck is jammed with passengers. A beautiful day. Clear skies, soft, soothing tropical breezes, calm waters and a brilliant sunshine. Beside me is the captain of the ship. A man of much experience; he has spent the greater part of his life at sea. He has no regrets, only sorry that in a little while he must retire from the service.

Everybody is fond of little Paul Edwards. "A little child shall lead them." There's sweet simplicity in that prophecy, yet, upon it depends human happiness, human understanding. Little Paul Edwards is attractive. He has beautiful eyes which he closes curiously for your entertainment. His smile is irresistible, and when he laughs the artist may verily take his brush and with Paul as his model, paint a wonderful picture which he may well name "The innocence of youth."

## Tropical Splendor

It is Sunday. A brilliant tropical sunshine keeps us company. The day is lovely. We are gazing at Bird Rock Island and the graceful lighthouse upon it. Here comes a flock of birds. They bring us greetings from the island. The sandy beach afar, the cocoanut trees, the little sailing ships cruising about, the peacefulness of the ocean and the laughter of the waves, are precious jewels that have heralded the grandeur and fascination of the West Indies far and wide.

This is my fourth journey across the Atlantic and my eleventh sea voyage. I have seen the glory of the Mediterranean; I have been much inspired by the natural beauty of Naples Bay; I have seen the splendor of the Suez Canal and the Red Sea; my soul has been lifted to heights of happiness while basking in the sunshine and spiritual breezes of the Orient—whether it was in the Indian Ocean, the Persian Gulf or upon the banks of the Shatt-el-Arab or the Euphrates; I have seen nature in all her glory in Italy, the Alps and France; I have seen the charm of the English channel beneath the sky of Albion, but I have yet to

see a garden more fascinating, a grandeur more profound, an environment more inspiring than these coral isles of pearl that brought Columbus fame and ushered in a new era in the annals of civilization.

We stop for a few hours in the morning at Port-au-Prince, Haiti. If possible, Lady Davis and myself will go ashore for inspiration to help us with the great work that is to be done for bleeding mother Africa.

S. A. HAYNES.

Segregation-1924

# UNCOVER SEGREGATION SCHEME IN WASHINGTON

National Association to Fight Out Cases of Property  
Owners in Highest Courts.

An effort to enforce segregation against colored people of Washington, D. C., through agreements among white property holders not to sell to any person of Negro race or blood, is being contested in the courts of Washington by the National Association for the Advancement of Colored People.

James A. Cobb, Chairman of the Legal Committee of the Washington Branch N. A. A. C. P.; William H. Lewis, former Assistant U. S. Attorney General, and James P. Schick are conducting the cases. Associated with them as advisory counsel are Arthur B. Spingarn, Vice-President of the N. A. A. C. P.; Herbert K. Stockton, of the Association's Legal Committee, and Emory B. Smith. The National Office has contributed \$200 toward the legal expenses of the cases.

Two cases are involved. One is the case of Mrs. Helen Curtis who, because of her color, was enjoined from taking title to property which she had purchased from a white property owner, on the ground that the sale violated the white property owners' agreement. Decision having been rendered against Mrs. Curtis, Mr. Cobb has appealed the decision to the Court of Appeals. The segregation agreement is held to violate constitutional amendments which guarantee equal protection of the law and to be against public policy. The brief recites:

Among the injuries to the public welfare that would result from upholding such a covenant as in the case at bar and the property segregation which it seeks to enforce may be enumerated as follows:

- (1) The degradation of American citizenship.
- (2) The ridicule of American democracy.
- (3) It would encourage contempt for law, especially for the amendments to the National Constitution.
- (4) It would retard the progress of a large group of American citizens.
- (5) It would deprive the public treasury of increased taxes.
- (6) It would stimulate racial antipathy.

The second case is based upon the same property owners' agreement, and is a suit against Emmett J. Scott and others, differing from the first case in that Mr. Scott had moved into his property. No decision has yet been made on this

## SEGREGATION CASE ARGUED AT CAPITAL

Contract Not To Sell To  
Negroes for 21 Years

Attacked In  
Court

### DIXIE LAWS ARE CITED

Which Counsel Declares  
Such Contracts Are Legal  
Down South

By Morris Brown

Washington, D. C., Apr. 22.—The Curtis case, involving the right of property owners to contract among themselves to restrain the sale of their property to colored persons was argued in the Court of Appeals of the District of Columbia yesterday.

James A. Cobb began the argument for the appellants, Mrs. Irene Hand Corrigan and Mrs. Helen Curtis. J. Easby-Smith, white, concluded the argument for the appellee, John J. Buckley.

The suit arose out of an agreement among property owners in the 1700 block on S street that their property should not be "used or occupied by, or sold, conveyed, leased, rented or given to Negroes" for a period of 21 years. This contract was entered into June 1, 1921, and was recorded.

On September 26, 1922, Mrs. Irene Corrigan agreed to sell and Mrs. Helen Curtis to buy the property located at 1727 S street, N. W. Title to the property was to be good of record, "except as to covenants of record, if any."

A bill was filed on November 16, 1922, to enjoin Mrs. Corrigan from executing a deed and transferring the property to Mrs. Curtis, and to enjoin Mrs. Curtis from accepting such deed and moving into the property.

A decree was entered on May 8, 1923, permanently enjoining Mrs. Corrigan from complying with or carrying out the provisions of the contract of sale for a period of 21 years. Mrs. Curtis and her heirs were also enjoined from taking title to the property or using or occupying the same, from selling, conveying, leasing, renting, or giving the same to be used by Negroes. From this decree the defendants appealed.

In his argument Mr. Cobb contended that the agreement was void and that such a restriction of the use of property as contained in the covenant abridges the privileges and immunities guaranteed by the 13th and 14th amendments, and deprives those affected of the due process of law and equal protection of

the laws, and is in violation of the laws enacted in aid of the 13th and 14th amendments.

Under questioning by Justice Van Orsdel, Mr. Cobb showed that if the courts would sustain such an agreement, they would permit groups of citizens to do by indirection what the Supreme Court of the United States has held could not be done directly by legislative act, and that is, provide residential segregation.

J. Easby-Smith argued the validity of the covenant and the right of persons to restrict the sale of their property for a period of years. He cited a number of cases from the California courts as well as from Southern states.

Both sides have indicated their indication to appeal to the Supreme Court of the United States, if the decision is adverse.

## Residential Segregation Fought in District Court

Washington, D. C., May 2.—The fight made by the National Association for the Advancement of Colored People against residential segregation in the nation's capital and against a precedent for segregation throughout the country, was continued here in a dramatic way when James A. Cobb, chairman of the legal committee of the Washington branch N. A. A. C. P., before a courtroom crowded with prominent people, made a brilliant argument against segregation.

The Court of Appeals of the District of Columbia heard Mr. Cobb's argument. The cases arose out of agreement among white property owners to prevent the sale of property to our people, through clauses inserted in the contract of sale. This form of segregation, if allowed to be practiced uncontested, would, in effect, nullify the Supreme court's decision in the Louisville segregation case, which held residential segregation by city ordinance to be unconstitutional. The new form of segregation attempts to evade the Supreme court decision by permitting the property owner to write his own segregation ordinance into a transfer of his property.

Two cases are involved in the present contest. One is that of Mrs. Helen Curtis, who, because of her color, was enjoined from taking title to property she had purchased from a white property owner, on the ground that the sale violated the white property owners' agreement. Decision having been rendered against Mrs. Curtis by a lower court, Mr. Cobb appealed from the decision to the Court of Appeals. The second case is based upon the same property owners' agreement and is a suit against Emmett J. Scott and others, differing from the first case in that Mr. Scott had moved into his property. Besides these two cases, two others are now pending, one involving Frank J. Gregory, a Congressional minister, former classmate of President Coolidge, and a brilliant baseball player at Yale; the other involving William L. Houston, a lawyer and professor of law at Howard uni-

versity. Mr. Cobb maintained that the proposed restriction upon the sale of property was an illegal restraint, that it was against public policy, that it abridges the privileges and immunities guaranteed by the 13th, 14th and 15th amendments to the constitution and deprives those affected of the due process of law and equal protection of the laws. Mr. Cobb further maintained that the white property owners' agreement would take property without due process of law, would stimulate racial antagonism, retard the progress of a large group of American citizens, would cast discredit upon American democracy and would deprive the public treasury of increased taxes.

Mr. Cobb's argument was listened to with the greatest attention by the crowded courtroom and he received many congratulations upon his forceful presentation of the case.

Mr. Cobb, in an interview, said: "The only thing in this matter that is worrying me is that the Colored people of this city and the country are not alive to the real danger lurking behind these latest forms of an attempt to legalize segregation. If such are successful, the Colored people of this country can be sheltered only in the slums and alleys."

## SEGREGATION CASE CARRIED UP ON APPEAL

Right of D. C. Residents to  
Establish "Black Belt" to  
Be Fought in Highest

## U. S. Court

### LOWER COURT FLAYED

Washington, D. C., June 9.—The Court of Appeals of the District of Columbia has granted an appeal to the Supreme Court of the United States in the residential segregation case, which it decided adversely to Negroes last week.

#### Criticizes Opinion

The Department of Justice, it was learned, will be asked to intervene and file a brief with the Supreme Court asking a reversal of the decision of the Court of Appeals.

In a bristling statement, Attorney James A. Cobb criticized the opinion which was handed down by Justice Van Orsdel of the Court of Appeals. "The most popular thing to do," he said, "after an adverse decision is to curse the court out. In this case, however, one cannot read the decision in the light of the authorities without coming to the conclusion that the court based its opinion more largely upon the prejudice of the community than upon the law."

In its decision the Court of Appeals held that a number of property owners may execute and record a covenant running with the land by which they bind themselves, their heirs and assigns during a period of 21 years to prevent any of the land described in the covenant from being sold, leased to or occupied by Negroes.

Mr. Cobb charged that the court misstated the facts in order to reach its conclusion. He cited that part of the decision in which the court said that "the constitutional right of a Negro to acquire, own and occupy property does not carry with it the constitutional power to compel sale and conveyance to him of any particular private property. The individual citizen, whether he be black or white, may refuse to sell or lease his property to any particular individual or class of individuals."

#### Inapplicable

This statement of facts is inapplicable to the case at bar, said Mr. Cobb. He explained that Mrs. Helen Curtis was not trying to compel a white person to sell to her, but was seeking to live in the property which Mrs. Irene Hand Corrigan, a white woman, contracted to sell to her.

Mrs. Corrigan was made one of the defendants and an injunction was issued in the Supreme Court of the District of Columbia to prevent her from carrying out the contract of sale. Mr. Cobb denounced the covenant, upon which the injunction was issued as absurd and ridiculous.

He pointed out that if this de-

cision is permitted to stand, the evil consequences cannot be exaggerated. He declared that it would soon come to the point where groups of citizens would be able to thwart the Constitution and laws by doing by covenant what the Supreme Court has held cannot be done by the State.

### SEGREGATION AT THE NATIONAL CAPITAL

As I stated sometime ago in this column, the question of residential segregation by covenants is now being tested by the courts of this jurisdiction. The principle of the covenant has been upheld by the Supreme Court of the District of Columbia, and has been argued before the Court of Appeals which is now holding the question under decision.

Which ever way the case is decided there will be an appeal to the Supreme Court of the United States. Here is a matter that affects the whole race. The eyes of the nation are upon this spot. If segregation by covenant is first confirmed in the District of Columbia which falls wholly under federal jurisdiction, all other cities of the land, North, South, East and West, will gladly copy, and point the justifying finger to the example set by the capital of the nation. This cause should engage the interest and command the support of every Negro agency and organization in the whole land.

The mission of the Sanhedrin when fully organized will be to call the attention of the whole race through a centralized agency which can reach quickly and effectively the various organizations into which our complex racial life is divided, and focus it upon this local danger which has serious nation wide implication. It might well operate for this purpose thru the instrumentality of the existing organization best calculated to serve the race at the needed time and place.

## JOHN D. K.'S COLOR LINE IN WASHINGTON

### Agreements In Jim Crow Real Estate Sales Are Held Valid

WASHINGTON, D. C., June 21.—The "color line" may be drawn in restricting the sale of property here, according to an opinion handed down last Monday by the District of Columbia Court of Appeals.

White property owners in any neighborhood who fear that an invasion of colored residents might take

place unless they are bound in solemn contract to exclude colored people, may get together and bind themselves not to sell, rent, give away or in any manner transfer any property to colored people, and the appellate court held such a document or covenant is binding and cannot be held for naught by one of the signers who takes a notion to disregard it.

The decision arose in the case of John J. Buckley, who sued Irene Hand Corrigan, white, to prevent the latter from selling a house in S street, to Helen Curtiss. The lower court issued an injunction preventing the sale on the ground that it was a breach of the covenant signed by 30 white property owners. Mrs. Curtiss appealed, but the appellate now holds that the restriction against her is valid. The case is expected to go to the U. S. Supreme Court.

#### N. A. A. C. P. to Appeal

NEW YORK, June 21.—The National Association for the Advancement of Colored People announced that appeal had been taken to the United States supreme court from the decision of the court of appeals of the District of Columbia, handed down on June 2, affirming a decree of a lower court which would permit real estate owners to agree among themselves not to sell property to colored people, and to insert such agreements into the sale contracts. James A. Cobb, who fought the case for the N. A. A. C. P. in Washington, reports as follows:

"The court of appeals affirmed the decree of the lower court, to the effect that a covenant entered into by a group of white people forbidding the alienation in any way of their property by themselves, their heirs or assigns, to any person of the Negro race or blood for a period of twenty-one years, was not unconstitutional or contrary to public policy. The opinion by the learned justice was disappointing, not only by reason of its holding, but because of the fact that it treated in the most meager way of the vital issues here involved.

"As a matter of fact, reference to the opinion will immediately reveal that the court traveled entirely outside

of the case as presented for the facts upon which its decision was based and failed entirely to pass upon, or treat of the real issues as given rise to in the briefs and arguments presented in this cause.

"An appeal was immediately taken to the supreme court of the United States; and as of this date, June 7, that appeal was allowed."

In 1915, the N. A. A. C. P. won the Louisville Segregation Case before the United States supreme court, the decision prohibiting the enactment of any law or ordinance providing for residential segregation in American cities. The Washington, D. C., form of segregation by agreement among property owners threatens to nullify the victory of 1915, and the board of directors of the N. A. A. C. P., recognizing the danger, voted at their meeting of June 9 that the N. A. A. C. P. put all of its

power behind the prosecution of the present legal struggle.

## SEGREGATION CASE TO HIGHER COURT

Right of D. C. Residents to Establish "Black Belt" to Be Fought in Highest U. S. Court.

### LOWER COURT FLAYED

Washington, D. C., June 16.—The Court of Appeals of the District of Columbia has granted an appeal to the Supreme Court of the United States in the residential segregation case, which it decided adversely to Negroes last week.

The Department of Justice, it was learned, will be asked to intervene and file a brief with the Supreme Court asking a reversal of the decision of the Court of Appeals.

In a bristling statement, Attorney James A. Cobb criticized the opinion which was handed down by Justice Van Orsdel of the Court of Appeals.

"The most popular thing to do," he said, "after an adverse decision, is to curse the court out. In this case, however, one cannot read the decision in the light of the authorities without coming to the conclusion that the court based its opinion more largely upon the prejudice of the community than upon the law."

In its decision the Court of Appeals held that a number of property owners may execute and record a covenant running with the land, by which they bind themselves, their heirs and assigns during a period of 21 years to prevent any of the land described in the covenant from being sold, leased to or occupied by Negroes.

Mr. Cobb charged that the court misstated the facts in order to reach its conclusion. He cited that part of the decision in which the court said that "the constitutional right of a Negro to acquire, own and occupy property does not carry with it the constitutional power to compel sale and conveyance to him of any particular private property. The individual citizen, whether he

be black or white, may refuse to sell or lease his property to any particular individual or class of individuals."

#### Inapplicable

This statement of facts is inap-

plicable to the case at bar, said Mr. Cobb. He explained that Mrs. Helen Curtis was not trying to compel a white person to sell to her, but was seeking to live in the property which Mrs. Irene Hand Corrigan, a white woman, contracted to sell to her.

Mrs. Corrigan was made one of the defendants and an injunction was issued in the Supreme Court of the District of Columbia to prevent her from carrying out the contract of sale. Mr. Cobb denounced the covenant, upon which the injunction was issued as absurd and ridiculous.

He pointed out that if this decision is permitted to stand, the evil consequences cannot be exaggerated. He declared that it would soon come to the point where groups of citizens would be able to thwart the Constitution and laws by doing by covenant what the Supreme Court has held cannot be done by the State.

Segregation - 1924. I.

D.C.

# SEGREGATION CASE IS BEFORE SUPREME COURT

Hearings To Begin In Wash-  
ington Around First Of  
April.

## BEST LAWYERS RETAINED

Moorfield Storey, Wm. H.  
Lewis, Arthur Spingarn  
Represent N. A. A. C. P.

New York, N. Y., Nov. 5.  
—James A. Cobb, of Wash-  
ington, of counsel for the  
National Association for  
the Advancement of Colored  
People today announced  
at the Association's offices,  
that the United States Su-  
preme Court would prob-  
ably hear argument next  
April in the case involving  
residential segregation of  
white and colored people  
in the city of Washington,  
D. C.

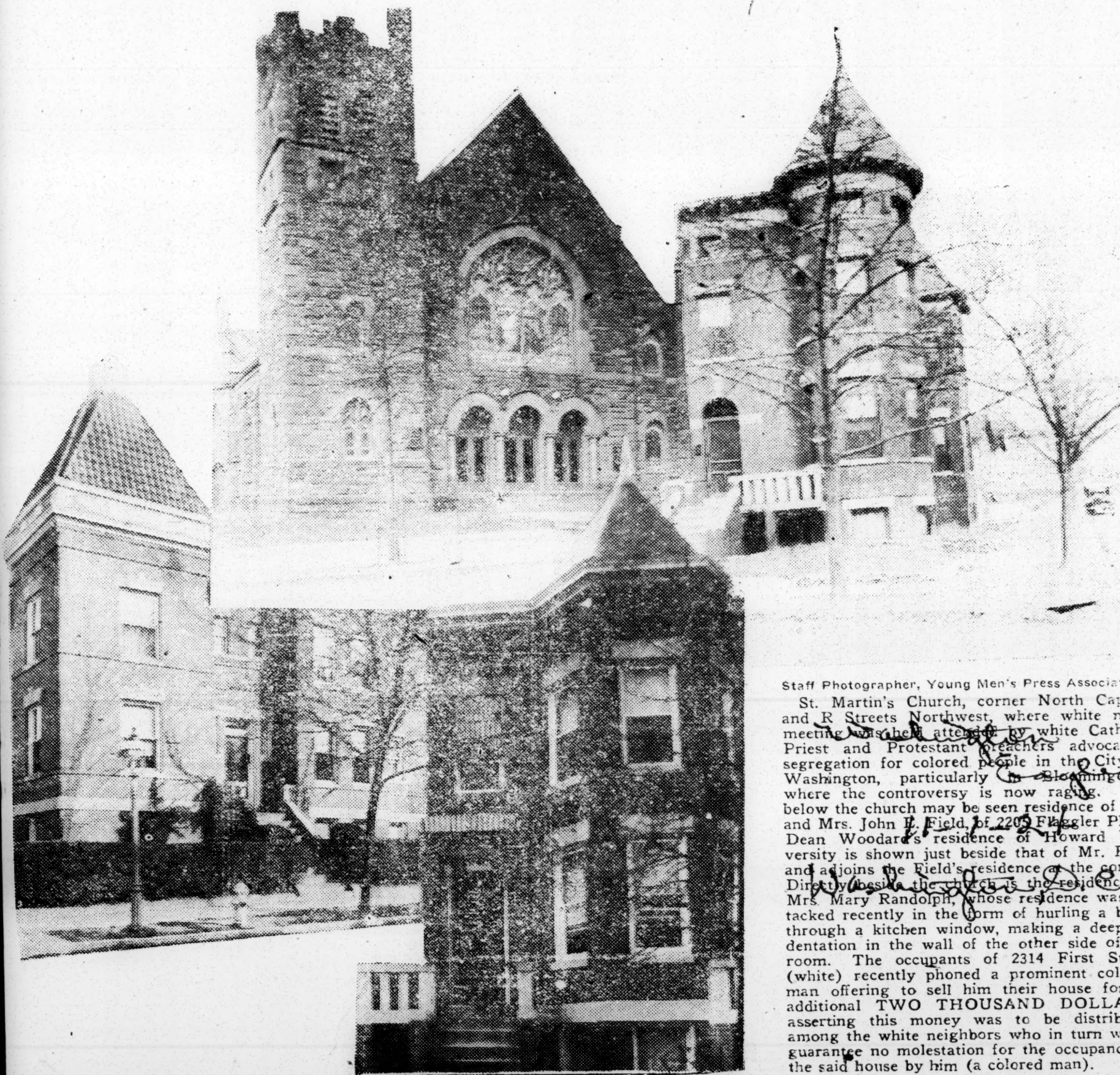
A number of other cases are be-  
ing held to await the outcome of  
the case now pending before the  
Supreme Court. Mr. Cobb also announced that he  
would be joined in argument before  
the Supreme Court by Moorfield  
Storey, former president of the  
American Bar Association, new pres-  
ident of the National Association;  
by Louis Marshall, counsel for  
the U. S. Attorney for the District  
of Columbia; by Messrs. Arthur B.  
Spingarn and Herbert K. Stockton,  
of New York, and by William H.  
Lewis, former Assistant U. S. At-  
torney General, of Boston.

### Appeal From D. C.

"The case to come before the Su-  
preme Court, on appeal from the  
Court of Appeals of the District of  
Columbia," said Mr. Cobb, "is that  
of Mrs. Helen Curtis, enjoined from  
taking possession of property she  
had bought, on the ground that sale  
to a colored woman violated the  
terms of a property owners' agree-  
ment."

Staff Photographer, Young Men's Press Association.

St. Martin's Church, corner North Capitol  
and R Streets Northwest, where white mass  
meeting was held attended by white Catholic  
Priest and Protestant preachers advocating  
segregation for colored people in the City of  
Washington, particularly in Bloomingdale,  
where the controversy is now raging. Just  
below the church may be seen residence of Mr.  
and Mrs. John E. Field, of 2205 Flaggler Place.  
Dean Woodard's residence of Howard Uni-  
versity is shown just beside that of Mr. Field  
and adjoins the Field's residence at the corner.  
Directly beside the church is the residence of  
Mrs. Mary Randolph, whose residence was at-  
tacked recently in the form of hurling a brick  
through a kitchen window, making a deep in-  
dentation in the wall of the other side of the  
room. The occupants of 2314 First Street  
(white) recently phoned a prominent colored  
man offering to sell him their house for an  
additional TWO THOUSAND DOLLARS,  
asserting this money was to be distributed  
among the white neighbors who in turn would  
guarantee no molestation for the occupancy of  
the said house by him (a colored man).



"The residential rights of all minority groups in America will depend upon the decision rendered in this case. Already there has been an attempt to segregate Jews in Memphis. Similar attempts may be made against Catholics, Japanese and Chinese.

"In Washington a group of white citizens in the Bloomingdale residential section have organized a committee to fight for this segregation against Negroes and at their organization meeting on October 24, collected a sum reported to be in excess of \$1,000 for the prosecution of this and similar cases.

#### Intense Interest

"As illustrating the intense interest displayed in this litigation throughout the United States, I may cite a recent case before the Supreme Court of the District of Columbia, *Rose E. Johnson, et al. vs. Ellen Marie Robicheau, et al.*, in which the property owners were penalized \$2,000 for each of two lots sold to colored people, the penalty being stipulated in a property owners' agreement.

"The opinion delivered by Justice Hoebling, sustains the imposition of the penalty, and cites as his precedent, the decision in the *Helen Curtis* case by the District of Columbia Court of Appeals, which has now been appealed to the U. S. Supreme Court. However, in view of impending argument before the United States Supreme Court on the prior case, Justice Hoebling has withheld his decree in order to await the Supreme Court's verdict.

#### Decided In 1917

"The question of residential segregation by city ordinance was decided in 1917, in the so-called *Louisville Case*, where the Supreme Court ruled that such segregation was unconstitutional. Segregation by agreement among property owners now remains to be disposed of, and the eyes of lawyers and of property owners throughout the country are directed toward the case now pending. It is a case that cannot fail profoundly to affect the future of race relations in the United States.

"The importance of this case is attested by the names of such eminent lawyers as Messrs. Louis Marshall, Moorfield Storey, William H. Lewis, Henry E. Davis, Arthur B. Spingarn, Herbert K. Stockton, who are associate counsel for the National Association for the Advancement of Colored People."

**NEGRO MAY BUY  
WEST END HOME  
ON WASHINGTON**

Wife of Undertaker Who Was  
Ousted by Injunction Admits  
She Plans Deal in Stylish  
Residence District.

## PROSPECTIVE PURCHASERS REFINED PEOPLE, SHE SAYS

## In Case Present Transaction Falls Through Embalmer Will Take Appeal to Supreme Court in Effort to Defeat Writ

The socially elect living in the 5200 block on Washington boulevard who found an undertaking establishment established by Merritt H. Marshall, Jr., at 5297 Washington boulevard, so offensive that they obtained an injunction to prevent its operation, now are facing new complications.

Prevented from operating the place as a funeral parlor Mrs. Marshall decided to open a boarding house. For a time she had a few boarders but now they are gone and she announces that she has taken earnest money from negroes and probably will sell them the house which has been the center of so much litigation.

"These negroes are as refined, as well educated and as well able to keep up the property as the other residents in the block," Mrs. Marshall said today. "I myself would have no objection to living next to these negroes. In fact I would rather live next to refined negroes than the lower class of white people."

Mrs. Marshall said that if she did not sell the property to the negroes she would take an appeal to the supreme court from the decision of Circuit Judge Frey on July 12 in which he granted a permanent injunction to prevent the operation of the funeral parlor.

Mrs. Marshall says the funeral parlors were not in the least objectionable and she always kept the place beautified. She declares that she knows just what to do when people are in trouble and likes to sympathize with the mourners at funerals and do everything she can for them.

The twenty-four property owners who filed the injunction suit said they were much depressed by the constant reminder of death in the form of funeral processions.

**COLORED FOLK  
NOT WANTED  
AROUND H. U.**

## White Residents Of Bloom- ingdale, D. C., Section Se- cure Injunction.

## STENOG IS DEFENDANT

## Whites Charge She Plans Selling House To Negro Buyer.

Washington, D. C., Nov. 17.—The efforts of white persons living in the Bloomingdale section, which is near Howard University, to prohibit colored persons from acquiring property in that section continue unabated.

#### Injunction Sought

Alleging upon information and belief that the property at 1921 First street, northwest, has been obtained by Miss Marietta V. Scarborough, a stenographer in the employ of the Fox Real Estate office, for the persons, Henry K. and Mary F. Murphy, husband and wife, who live at 42 Rhode Island avenue, northwest, have filed suit in the equity division of the District Supreme Court for an injunction.

According to the bill of complaint, ever since the platting and surveying of the subdivision in which this property is located, there has appeared without interruption a covenant in every deed of conveyance restricting sale of the property to white persons. It is as follows:

"Subject to the covenant running with the land that said lot or any improvements that may be erected thereon shall never be used or occupied for any purpose by Negroes or persons of the Negro race, or having Negro blood."

The plaintiffs say that in October last, the heirs of Mary A. Stack, deceased, conveyed this property to Miss Scarborough. In the deed of conveyance, they claim, this covenant was made a part of it.

#### Straw Woman

The plaintiffs say that title to this property was taken by Miss Scarborough for the accommodation of Edmund K. Fox and William M. Hicks, two real estate dealers, and that she is acting solely in the capacity of "a straw woman" for them.

They allege that it is the purpose of Miss Scarborough immediately to convey a fee simple title to the property to a colored person for occupancy as a home. They say they are advised and believe that Fox and Hicks have negotiated the sale of this property to a colored person, whose identity is unknown to the plaintiffs.

#### Irreparable Damage

Unless restrained, they say, such a transfer will cause irreparable damage, loss and injury to them and other residence owners in the vicinity.

They claim that the value of property in the neighborhood will materially decrease by reason of occupancy of this property by a colored person and that the "environment and surroundings of said area will become low and said area will not be a fit and proper place wherein white people may live."

The suit was filed by Attorney Henry Gilligan. It appears that he is inciting this community. He presided at the meeting of white residents of the Bloomingdale section at St. Martin's Parish Hall sometime ago, in which a Catholic priest participated.

This is the second suit to be filed involving the right of colored persons to acquire property in this section. In the other, the persons who sold seek to have the court rescind the sale.

# Citizens of Bloomingdale Start Own Paper to Keep Section "Pure White"

In order to continue their fight for a "pure white" residential section, the citizens of Bloomingdale, acting on the suggestion of a Christian (?) minister at their last mass meeting, last week published the first issue of their own propaganda paper, "The North Capitol Citizen" is the name of the new publication and its entire news columns are practically devoted to gossip about the sale of property to colored buyers.

The editorial staff is made up of eight men who live in this section. The duty imposed upon these editors according to the editorial in the "Citizen," is to serve the interest of the five thousand property owners who will "watch with eager interest for first-hand accounts of the cooperation which their executive committee may receive in the great fight which it has undertaken and which it is so successfully prosecuting for the good of the community."

One reason advanced for the issuing of the paper is to combat the growing sentiment against the property owners in the Bloomingdale section and keep up the morale of the citizens, many of whom it is claimed have lost hope of stemming the expansion of colored citizens into that section.

#### The Staff

The staff of the North Capitol Citizen is composed in the main of a group of clerks. Two lawyers are in the group. The complete staff and their occupations as listed follows: P. W. Pritchett, 2651 N. Capitol Street, steno-typist, G.P.O.; C. L. Mendel, 119 R Street, N.E., clerk for the South-

# Segregation - 1924. II.

ern Railway; George Melling, 66 T Street, Northwest, Attorney, Navy Department; George R. Huttel, 49 Rhode Island Avenue, Northwest, toolmaker, Navy Yard; Jesse W. Morgan, 47 Seaton Place, Northwest, Copy Editor, G.P.O.; H. K. Murphy, 42 Rhode Island Avenue, Northwest, Paymaster, Southern Railway; Alfred D. Smith, 118 V Street, Northwest, Attorney at Law, Century Building; P. H. Walsh, 22 Rhode Island Avenue, Northwest, clerk, place not given.

## The Advertisers

The advertisers in the first issue of the "pure white" weekly are: J. P. Kuttner and Sons, Hardware, 1841 First Street, Northwest. McCurdy and MacWhorter, auto supplies, 1418 North Capitol Street. H. C. Maynor and Co., real estate, 2105 Rhode Island Avenue, North West. R. A. Humphries, real estate, 808 N. Capitol Street. Perry and Walsh, undertakers, 29 H Street, Northwest. A. G. Vignani, dry goods and notions, North Capitol Street. Motters Market, 2007 First Street, Northwest. Milton R. Ney, women's store, Pa Avenue and 8th Streets, Northwest. Highview Variety Store, 61 Rhode Island Avenue, Northwest. S. L. Wasserman, taylor, 7 Randolph Place, Northwest. J. Maury Dove Coal Co. American Theatre. Liberty Theatre. Family Shoe Factory, 80 Rhode Island Avenue, Northwest. F. B. McGivern, pure food store, 1727 North Capitol St. Reservoir Shoe Repair Shop, 1900 First Street, Northwest. T. F. Costello, undertaker, 1724 North Capitol Street. Mrs. L. P. Cheatan, millinery, 1745 North Capitol Street. The Cook Waste Paper Co., 59 Pierce Street, Northeast. Seaton Market, 1822 North Capitol Street. Parkway Motor Co., Ford and Lincolns, 1065 Wisconsin Avenue, Northwest.

The paper dedicated to the protection of the "pure whites" also stated that the business office has had

printed signs with the following inscription: "For White Occupants." These signs, according to the editors, are to be given to those "pure whites" who are desirous of selling their property or renting it. These signs are to be placed in the windows of the home so the inquisitive public will know that a "pure white" family lives there and is desirous of renting or selling their home to some other good "pure white" family.

In some articles in the paper the editors spelled the word Negro with a small "n" while in others, they used capital. St. Martin's Council of the N.C.C.M. Catholic Church is one of the big boosters of the paper as is also the Eckington Presbyterian Church. The North Capitol and Eckington Citizens' Association is also strong supporters of the "pure white" paper. One of the officials of the association is a member of the editorial staff, Jesse W. Morgan, of 47 Seaton Place, Northwest. Another big member in this association which is practically entirely responsible for the ill feeling now being manufactured in this section, is Selden M. Ely. Ely is president of the association. He is a prominent teacher in the Public School system.

The one editorial which purposes to set forth the whys and the policy of the paper states in part as follows: "The Mass Meeting of Bloomingdale Owners has gone down in history, but the community spirit which it developed, still lives and, we hope, will go on forever. One of the clergymen, at this mass meeting, suggested the publication of a community newspaper, and the Executive Committee has been prompt to act on the suggestion. "The purpose of this paper is to publish news of especial interest to the residents of Bloomingdale and vicinity. This will include news of the churches, both Catholic and Protestant. Of our two Citizens' Associations and of other societies and organizations located in this section We shall also report the activities of the Executive Committee and the facts developed in the course of its investigations, the progress being made in litigations which it has in charge, and other matters vitally affecting the welfare of the community. . . . It is,

a fine thing when one having property for sale unselfishly declines an attractive offer rather than transfer his home to a purchaser who may not be desirable to his neighbors. Such a one deserves the strongest commendation of all other owners; he merits their good will and assistance in his business; he is the type with whom they may be proud to associate and acclaim as one of their own; he may look his fellow men in the face without shame and find them glad to return his greeting; he may go to his rest at night with a clear conscience, and when the time comes for him to depart this life, he will not regret that he refused to betray his neighbors for a sum of money which could do him but little good in this world and none at all in the next.

## WHITES WIN FIRST ROUND OF FIGHT IN BLOOMINGDALE

Justice A. A. Hoehling has issued a temporary injunction restraining Sereno S. Ivy, a colored man, from occupying No. 40 Randolph place, Northwest, or from leasing, renting or conveying this property to another colored person. The suit for an injunction was brought by Henry K. Murphy and Mary F. Murphy, who live at 42 Rhode Island avenue, northwest. In their bill of complaint they alleged that Miss Scarborough, who is employed as a stenographer in the office of Edmund K. Fox, a real estate dealer, had contracted to buy this property from the heirs of Mary A. Stack deceased. The bill of complaint was then amended and Mr. Ivy made a defendant and enjoined from moving into the property pending final determination of the suit. This property is in the Bloomingdale section, which is the center of agitation against Negroes purchasing or occupying property in certain residential sections. The action to prohibit colored persons from buying or occupying property in this section is based upon an alleged covenant appearing in the deeds, which is as follows: "Subject to the covenant that said

not shall never be rented, leased, sold transferred or conveyed unto any Negro or colored person under a penalty of Two Thousand Dollars which shall be a lien against said lot."

The persons bringing this suit are Daisy B. Wolfes, 30 Randolph Place Northwest; Erna M. Bibb, 52 Randolph Place, Northwest; Charles J. and Martha S. Oren, 47 Randolph Place, Northwest; James L. and Alice V. Mann, 43 Randolph Place, Northwest, and Francis J. P. and Anna Frances Cleary, 45 Randolph Place, Northwest.

## SEGREGATION MOVE IN COURT AT WASHINGTON

Washington, D. C., Dec. 8.—Justice Hoehling in the equity division of the District Supreme Court issued an injunction last Friday restraining Miss Marietta V. Scarborough, Edmund K. Fox and William M. Hicks from conveying No. 1921 First street northwest to a Negro or a person of Negro blood pending the hearing of the case involving this property.

He also enjoined them from conveying this property to any person for the purpose of having that person convey it to a Negro or a person of Negro blood. The suit for an injunction was brought by Henry K. Murphy and Mary F. Murphy, who live at 42 Rhode Island avenue, northwest. In their bill of complaint they alleged that Miss Scarborough, who is employed as a stenographer in the office of Edmund K. Fox, a real estate dealer, had contracted to buy this property from the heirs of Mary A. Stack deceased.

## RESIDENTIAL SEGREGATION.

Two other buyers of property have been estopped from occupying their homes, by the power of a judge. How far will these people go in their foolish and unjust prejudice? Not satisfied with every form of opposition, with discrimination and segregation wherever it means a few dollars gained or more taxes. Our coming into a neighborhood does not depreciate property; on the contrary, it both rents and sells for more money, hence pays with the land to prevent tree annihilation. It would bring on a condition of estates late and the property would escheat to the state because of failure to pay taxes. Says Lucietus, Book 11-76: "The races of mortals subsist by some races increase, some diminish, and in a brief space of time, the generations of the living are changed." We shall see what we shall see.

Why do not they read a little history? How soon have they forgotten the evolution of our real estate equality in America? Only a biased prejudiced court could uphold covenants running

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Washington Eagle 12-27-24

Segregation - 1924.

### THE WASHINGTON SEGREGATION DECISION

The Court of Appeals of the District of Columbia has handed down a decision legalizing the Washington segregation contracts. The court holds that any owners of real estate or group of owners who enter into agreements or covenants not to sell the property set forth in such agreements, are legally bound by such agreements and covenants.

What is more amazing, the learned court held that such agreements are not "segregation," because Negroes can combine and exclude sale of proper ties to whites under similar agreements. Segregation has been held by the United States Supreme Court to be illegal, hence, to avoid that rock, the District Court, per force, had to hold that contractual exclusion is not segregation. A wonderful decision, one worthy as a successor of Justice Taney's Dred Scott decision.

In order that there can be no further play upon words by the Courts it will be necessary to secure from the United States Supreme Court a full and complete definition of "segregation" as falling within the inhibition of the 14th Amendment, and the Federal statutes thereunder.

There is just about as much sense, and no more, in a Court declaring that segregation is not segregation when whites segregate Negroes because Negroes can also segregate whites, as there would be in solemnly declaring that murder is not murder when a white man or a mob murders a Negro because Negroes can also murder white men.

This decision by the highest local court in the Capital of the Nation shows the drift of sentiment among the white people and the intense effort that is going to be made to hedge in and restrict the Negro in his rights and privileges in this country. It is an index finger that points to an attempt to unite and concentrate the white people of this country upon the principle of law laid down in the Dred Scott decision of seventy years ago, that "the Negro has no rights which the white man is bound to respect." It means that, instead of justice plain, simple and unadorned, there is going to be an effort to subvert justice and substitute therefor the white man's will in all matters in which the Negro is involved as a party contestant.

There is nothing left for the Negro but to fight the damnable outrage to the last ditch in every way known to the art of warfare.

There is no contention that an individual or a group or community of individuals, single or collectively has not the right to sell or refuse to sell any property, realty or personal, to any other individual or group of individuals, but that they have the right to attach as binding upon the property any covenant or agreement to sell or not to sell is an abominable infamy and illegal.

We hope that the Negroes throughout the Republic realize the seriousness of this issue of contractual segregation and will begin to prepare for an unending fight until it is smashed forever.

—From the Baltimore Herald.

D.C.

## SEGREGATION ISSUE BEFORE HIGHER COURT

### Property Owners to Get New Hearing

New York, June 20.—The National Association for the Advancement of Colored People, 68 Fifth Ave., announced that appeal had been taken to the United States Supreme court from the decision of the Court of Appeals of the District of Columbia, handed down on June 11, affirming a decree of a lower court which would permit real estate owners to agree among themselves not to sell property to out people and to insert such agreements into the sale contracts James H. Cobb, who fought the case for the association in Washington reports as follows:

The opinion by the learned justice was disappointing, not only by reason of its holding but because of the fact that it treated in the most meager way of the vital issues were involved.

As a matter of fact, reference to the opinion will immediately reveal that the court traveled entirely outside of the case as presented for the facts upon which its decision was based, and failed entirely to pass upon or treat of the real issues as given rise to in the briefs and arguments presented in this cause.

In 1915 the N. A. A. C. P. won the Louisville segregation case before the United States Supreme court, the decision prohibiting the enactment of any law or ordinance providing for residential segregation in American cities. The Washington, D. C., form of segregation by agreement among property owners threatens to nullify the victory of 1915; and the board of directors of the N. A. A. C. P., recognizing the danger, voted at their meeting of June 9 that the N. A. A. S. P. put all of its power behind the prosecution of the present legal struggle.

## SEGREGATION COVENANTS ARE DECLARED LEGAL

District Appellate Court Validates Exclusion Agreements Entered Into By Landowners in City of Washington.

### WILL CARRY FIGHT TO SUPREME COURT

Washington, D. C. June 11—(P. N. S.)—The "Color Line" may be drawn in restricting the sale of property here, according to an opinion handed down last Monday by the District of Columbia Court of Appeals. White property owners in any neighborhood, who fear that an invasion of colored residents might take place unless they are bound by a solemn contract to exclude colored people, may get together and bind themselves not to sell, rent, give away, or in any manner transfer any property to colored persons, and the appellate court held such a document or covenant is binding and cannot be held for naught by one of the signers who takes a notion to disregard it.

The decision arose in the case of John J. Buckley, who sued Irene Hand Corrigan, (white), to prevent the latter from selling a house in S street, northwest, between New Hampshire avenue and Eighteenth street, to Helen Curtis, a colored woman. The lower court issued an injunction preventing the sale on the ground that it was a breach of the covenant signed by 30 owners of nearby property. Mrs. Curtis appealed, but the appellate court now holds that the restriction against her is valid.

The appellate court took notice of the fact that it was

lawful for colored residents to to exclude white people from their localities, their places of business and places of pleasure, and no one protested against the exclusion of white people. Therefore, the court stated, it was just as lawful for the white people to exclude colored people. "Segregation does not imply inferiority," the Appellate Court stated. Segregation was the result of agitation by both white and colored persons, the court stated, and, therefore, one race has the right to exclude the other.

Dr. Emmett J. Scott, treasurer of Howard University, Recorder of Deeds, Arthur G. Froe, and Perry W. Howard, it is said, have purchased properties close to the enjoined residence, and Washington folks are wondering whether the decision will be far-reaching in its effect. It is believed, however, that attorneys for Mrs. Curtis will carry the matter to the U. S. Supreme Court and that, as a well known attorney said, "it is not probable that U. S. Supreme Court precedents will affirm the decision of the District of Columbia courts."

## D. C. "BLOCK" SEGREGATION RULED VALID

Court of Appeals Rules That White Property Owners May Exclude Negroes by Contract

### CASE IS APPEALED

Washington, D. C., June 3.—According to an opinion handed down by Justice A. Van Orsdel in Court of Appeals of the District of Columbia yesterday, a number of white property owners may bind themselves to prevent their property from being sold, leased to or occupied by Negroes.

SWEEPING DECISION

This is one of the most far-reaching and sweeping decisions handed

down by an appellate court on the question of segregation since the decision of the United States Court in the Louisville, Baltimore and St. Louis cases. Unlike those, however, this decision is a backward step and paves the way for white persons to do indirectly what they are prohibited from doing by legislative enactment. The case and three others similar will be appealed to the U. S. Supreme Court.

This case arose out of a contract entered into by Mrs. Irene Hand Corrigan, white, to sell the premises known as 1727 S. street, northwest,

to Mrs. Helen Curtis. Previously, however, Mrs. Corrigan together with 29 other white persons, who were property owners adjacent to and in the same immediate neighborhood as this property, made and executed a covenant, which was recorded.

After describing the location of the property and expressing the desire of the parties to further the interest of the community and neighborhood, it provided that "in consideration of the premises and the sum of \$5 each to the other in hand paid, the parties hereto do hereby mutually covenant, promise and agree to the other and for their respective heirs and assigns, that no part of the land now owned by the parties hereto, a more detailed description of said property being given after the respective signatures hereto, shall ever be used or occupied by, or sold, conveyed, leased, rented, or given to Negroes, or any person or persons of the Negro race or blood. This covenant shall run with the land and bind the respective heirs and assigns of the parties hereto for the period of 21 years from and after the date of these presents."

#### ENJOINED

John J. Buckley, one of the parties to this covenant, filed suit in the equity division of the Supreme Court of the District of Columbia. He asked the court to enjoin Mrs. Corrigan for a period of 21 years from the date of the covenant from carrying out the contract of sale, and Mrs. Curtis from taking title to the land and from occupying, selling, conveying, leasing, renting or giving the same to a Negro or permit the same to be used or occupied by any Negro for a like period of years.

Thru Attorney James A. Cobb, Mrs. Corrigan and Mrs. Curtis filed a motion to dismiss the bill on the ground that the covenant is void in that it deprives them and others of property without due process of law, abridges the privileges and immunities of citizens of the United States and denies them equal protection of the law.

Chief Justice McCoy, of the District Court denied the motion to dismiss. He issued a decree of injunction as sought by the plaintiff. The defendants appealed.

#### COURT'S DECISION

In delivering the opinion of the court, Justice Van Orsdel said in part:

"The sole issue is the power of a number of land owners to execute and record a covenant running with the land by which they bind themselves, their heirs and assigns, during a period of 21 years to prevent any of the land described in the covenant from being sold, leased to or occupied

by Negroes.

"The constitutional right of a Negro to acquire, own, and occupy property does not carry with it the constitutional power to compel sale and conveyance to him of any particular private property. The individual citizen, whether he be black or white, may refuse to sell or lease his property to any particular individual or class of individuals.

#### No Discrimination

"The power of these property owners to exclude one class of citizens implies the power of the other class to exercise the same prerogative over property which they may own. What is denied one class may be denied the other. There is, therefore, no discrimination within the Civil Rights clauses of the Constitution."

After citing a decision of the United States Supreme Court, Justice Van Orsdel said that statutes requiring separate white and colored schools, "as well as regulations providing for the segregation of the races in municipal play grounds, municipal golf courses, municipal tennis courts and municipal bathing beaches," are within the competency of the legislatures in the exercise of their police powers.

#### Not Against Public Policy

"It follows that the segregation of the races," he said, "whether by statute or private agreement, where the method adopted does not amount to the denial of fundamental constitutional rights, cannot be held to be against public policy. Nor can the social equality of the races be attained either by legislation or by the forcible assertion of assumed rights."

Attorney James A. Cobb, representing the defendants, has announced that an appeal will be taken to the Supreme Court of the United States. There are three other similar cases pending.

## WHITES MAY BAR NEGROES, SAYS COURT

### Case To Be Appealed

According to an opinion handed down by Justice Josiah A. Van Orsdel in the Court of Appeals of the District of Columbia last Monday, a number of property owners may bind themselves to prevent their property from being sold, leased to or occupied by Negroes.

#### Sweeping Decision

This is one of the most far-reaching and sweeping decisions handed down by an appellate court on the question of segregation since the decision of the United States Court in the Louisville, Baltimore and St. Louis cases. Unlike those, however, this decision is a backward step and paves the way for white persons to do indirectly what they are prohibited from doing by legislative enactment.

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rigan to sell the premises known as 1727 S Street Northwest to Mrs. Helen Curtis. Previously, however, Mrs. Corrigan together with 29 other white persons, who were property owners adjacent to and in the same immediate neighborhood as this property, mutually executed a covenant, which was recorded.

After describing the location of the property and expressing the desire of the parties to further the interest of the community and neighborhood, it provided that "in consideration of the premises and the sum of \$5 each to the other in hand paid, the parties hereto do hereby mutually covenant, promise and agree to the other and for their respective heirs and assigns, that no part of the land now owned by the parties hereto, a more detailed description of said property being given after the respective signatures hereto, shall ever be used or occupied by, or sold, conveyed, leased, rented, or given to Negroes, or any person or persons of the Negro race or blood. This covenant shall run with the land and bind the respective heirs and assigns of the parties hereto for the period of 21 years from and after the date of these presents"

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Chief Justice McCoy of the District Supreme Court denied the motion to dismiss. He issued a decree of injunction as sought by the plaintiff. The defendants appealed.

#### Court's Decision

In delivering the opinion to the court Justice Van Orsdel said in part:

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"The constitutional right of a Negro to acquire, own, and occupy property does not carry with it the constitutional power to compel sale and conveyance to him of any particular private property. The individual citi-

zen, whether he be black or white, may refuse to sell or lease his property to any particular individual or class of individuals.

"The power of these property owners to exclude one class of citizens implies the power of the other class to exercise the same prerogative over property which they may own. What is denied one class may be denied the other. There is, therefore, no discrimination within the Civil Rights clauses of the Constitution."

After citing a decision of the United States Supreme Court, Justice Van Orsdel said that statutes requiring separate white and colored schools, "as well as regulations providing for the segregation of the races in municipal play grounds, municipal golf courses, municipal tennis courts and municipal bathing beaches," are within the competency of the legislatures in the exercise of their police powers.

"It follows that the segregation of the races," he said, "whether by statute or private agreement, where the method adopted does not amount to the denial of fundamental constitutional rights, cannot be held to be against public policy. Nor can the social equality of the races be attained either by legislation or by the forcible assertion of assumed rights."

Attorney James A. Cobb, representing the defendants, has announced that an appeal will be taken to the Supreme Court of the United States. There are three other similar cases pending.

Segregation — 1924.

## DENIAL OF NEGRO PERMITS IS URGED

### City Commission In Quandary As To Proper Steps In Building Dispute

Injunction proceedings to stop the issuance of permits to negroes to build dwellings near the intersection of Thirtieth avenue and Thirty-first street, south, will be the next step by white residents of that section, it was stated Wednesday afternoon. The city commission rejected a petition designed to halt the alleged encroachments.

M. A. Myatt, insurance agent, asked the commission to allow the permits to be issued. He said 43 negro dwellings now are located in the block under discussion.

Commissioners D. E. McLendon and W. E. Dickson said they had visited the locality and found it already had negro houses in large numbers. Upon their motion Myatt's request was granted.

The commissioners declared they regretted the situation and deplored the encroachments, but gave it as their opinion that the locality should be classified in the proposed zoning ordinance as a colored residence zone.

"If we don't allow the permits to be issued, mandamus proceedings will be filed to make us do it," said President McLendon. "and if we do allow them, injunction proceedings probably will follow. The only fair way, as I see it, is to allow the permits and then let the case go to the courts."

Twenty-five citizens had signed the petition which asked that the negro applications for permits be denied. A citizens' meeting to discuss future action probably will be called in a few days, it was stated at the city hall.

### THE ZONING BILL FOR BIRMINGHAM.

There is much discussion for a zoning bill for Birmingham. There can come no serious objection from any source against a decent zoning ordinance looking to the proper building of homes and commercial buildings in a great city like ours, but the interpretation that some of our white people are giving the ordinance

and what they hope to make it do, is a dangerous one and put into law with that spirit will make an objectionable measure. Out of race pride and community respect every Negro should oppose the bill if it is to carry as being discussed in our daily papers. 1-12-24

An ordinance of this kind provides in fact only for the protection of white people, and white people are all those people, practically speaking, who are not Negroes. One main danger of this bill is that it limits one and privileges the other. Some of our white friends who are interested in our protection might be willing to make the statement that the above is untrue because white people will not be permitted to build in Negro sections and have no desire to do so and Negroes will not be permitted to build in white sections and certainly they have no such desire. To stop with that it would appear equal and fair, but white people will build in Negro sections and in the most exclusive Negro section whatever they desire to build and real estate men are now building in these sections the cheapest and most common camp shanties possible and are throwing into them the roughest element that may be found in an industrial center such as Birmingham.

White people who build homes for rent in Negro communities should be forced to construct decent homes such as will be occupied and respected by civilized humanity. And why build pens, hovels and shanties for any people? Why the prisons of our state are far more decent and attractive than some of the homes these dealers are building for Negroes. They are incubators of all forms of corruption; they aid in crime; they offer a place for its development.

We hope the day will soon come when our city government will be sufficiently protected from a political viewpoint, to rise against these inhuman practices and force men of whatever color to deal justly and fair to every human being in our municipality. We must be opposed to this zone ordinance as arranged by our city and passed by our state legislature. It offers discouragement to the Negro people; it is worse than segregation, it is a feeder to race prejudice and encourages disrespect and law violation.

Alabama.

## ZONING MEASURE BOOKED TO PASS

### Mayor Gunter Says Ordinance Will be Adopted at Next Meeting of City Commission

Montgomery's zoning ordinance designating residential, business and industrial districts, within corporate limits of the city and regulating development in those districts to specifications of the ordinance, will be adopted at the meeting of the city commission, Tuesday morning, A. Gunter, Jr., announced Saturday.

The ordinance, introduced several weeks ago has as its purpose prohibition of business and industrial enterprises locating in residential sections of the city. Penalty is provided in the ordinance for violating its provisions.

Montgomery  
Ordinance  
June 1, 1924

# SAYS CONTRACT SEGREGATION IS CONSTITUTIONAL

## Judge Dawkins Declares Agreement If Signed By All Property Owners Will Be Legal

The following is the decree signed by Judge Walter I. Dawkins in the Circuit Court, No. 2, dissolving the preliminary injunction restraining Abraham Williams and others, from permitting Negroes to occupy the premises No. 808 North Gilmor St.:

IN THE CIRCUIT COURT NO. 2,  
OF BALTIMORE CITY

HARRY H. BURNS AND CORA M. BURNS, HIS WIFE, AND THE HARLEM PARK PROTECTIVE ASSOCIATION, INC.,

VS.  
ABRAHAM WILLIAMS, ABRAHAM WEISMAN, BETTIE GREEN AND MAMIE FORD.

William L. Marbury, J. Seymour T. Waters and Webster C. Tall for complainants.

David Ash for defendants.

This case came on to be heard on defendant's motion to dissolve preliminary injunction heretofore issued and was argued by counsel, testimony was taken and the matter submitted for final decree.

The court is of the opinion that the agreement between the plaintiff and the defendant and other parties mentioned in said agreement, which is referred to and copy of which is filed with the bill of complaint and made part thereof, whereby all said parties covenant each with the other that they and each of them, their and each of their heirs, personal rep-

resentatives, successors and assigns shall and will have, hold, stand seized and possessed of the said respective properties mentioned in said agreement as owned by them subject to the restriction, limitation and condition that neither the said respective properties nor any of them nor any part of them or any of them shall be at any time occupied or used by any Negro or Negroes or person or persons either in whole or in part of African descent, except only that Negroes or persons of Negro or African descent either in whole or in part may be employed as servants by any of the owners of said properties and containing other stipulations is not void as being in conflict with any provisions of the Constitution of the United States or the amendments thereof or as being against public policy or any rule of law, all persons owning property having at perfect right by voluntary agreement among themselves to subject it to such limitations and restrictions and such agreements when duly recorded in the proper land records of Baltimore City, constituting notice to all subsequent purchasers of said property of the terms and conditions thereof.

This Court, however, is of the opinion that the said agreement is not enforceable in equity unless executed in respect of all property in the area therein mentioned, because and only because of the following clause appearing therein, being the

last clause of said agreement:

"PROVIDED, HOWEVER, that if any Court of competent jurisdiction in the State of Maryland determines or decrees that this agreement is not in effect a restriction on all and every property situate in the above area, then this agreement is null and void and shall not be considered as binding or as a restriction on any piece of property in the above described area, and shall be of no effect as to the property owned by the signer herein."

And, it appearing that it has not been executed in respect of all said properties.

It is therefore ordered by the Court this 28th day of February 1924, that the writ of injunction heretofore issued in this case be and the same is hereby dissolved, and the bill of complaint be and is hereby dismissed.

The plaintiffs to pay the costs.

WALTER I. DAWKINS

Annapolis, March 10th.—A bill to create "optional" segregation in city blocks for the white and Negro races in Baltimore, by Delegate Van Daniker.

The segregation bill provides that if an agreement restricting the use of properties in a certain block to white or colored persons is signed by 75 per cent. of the titleholders and properly executed, it shall be binding on all the titleholders and shall be construed as a covenant running with the land.

It is entitled an act "to prevent conflict and ill feeling between the white and colored races in Baltimore and preserve the public peace and promote the general welfare." Mr. Van Daniker said he was given the bill by Judd Stephens of the Northwest Baltimore Improvement Association.

## THE SEGREGATION DECISION

In handing down a decision in the segregation case heard in Circuit Court, No. 2, last week, Judge Dawkins in dismissing the preliminary injunction restraining Negroes from occupying premises, No. 808, Gilmor street, expressly declared that "the agreement or contract between the parties to refuse to sell properties to persons of African descent is not void as being in conflict with the Constitution or the Amendments thereof, or as against public policy or any rule of law, all persons owning property having a perfect right by voluntary agreement among themselves to subject it to such limitations and restrictions and such agreements when duly recorded in the proper land records of Baltimore City."

The meat of Judge Dawkins' opinion is that although a State or municipality is inhibited by the U. S. Constitution from passing and enforcing segregation laws, individuals can themselves establish segregation laws by contract which will be sanctioned and enforced by the courts.

We totally disagree that individuals in any community can enter voluntarily or involuntarily into contracts the purpose of which is to establish a right or condition forbidden by the Constitution and laws, and that such contracts will be held binding and enforceable under the law. It is simply a renewal of determined effort of an element of white people to restrict the liberties of Negroes, to prescribe where they shall live, what work they shall perform, what recreations, they shall be allowed, in short, to control and direct every phase of their life.

If they win the segregation fight, the next step will be jim crow street cars, and then other restrictions to follow. It is the duty, therefore, of the men and women of Baltimore to unite as never before and wage war on the segregation program from start to finish.

## NEW SEGREGATION MENACE

It is reported that a large number of the building and Loan Associations in Baltimore have agreed to not finance Negro homes in certain sections of the city. This is a part of the general plans started by the protective associations to segregate and restrict Negro housing. What cannot be done by law will be tried by organization.

Every organization, every civic and economic force available must be thrown into the battle against this new form of segregation. Fortunately there will be many white financiers who will not stoop to this form of injustice where colored people contribute so largely to the prosperity of the community, but the voice, dollar and influence of every colored man and woman must speak out now.

There are thousands of dollars belonging to colored people tied up in some of these loan associations and banks they represent that may be used against them. Every association that resorts to any such unfair practice and the men who control them must be checked up. It is also stated that proprietors of many business places who cater almost wholly to colored people are helping in this segregation movement.

## SEGREGATION BILL KILLED

The Judiciary Committee of the State Legislature of which Mr. Daniel C. Josephs is chairman, has again demonstrated its courage and interest in the common welfare by killing another bill aimed at segregating, humiliating and needlessly persecuting the colored citizens and taxpayers of Baltimore.

As to the men who were so hidebound, mediocre and devoid of human sympathies to dash this insult into the faces of 110,000 men and women giving their best toil to the city's progress, we have nothing to say, except that their future political aspirations will be watched.

But to Mr. Joseph's Judiciary Committee which has twice unanimously killed measures of this kind, we express our heartfelt thanks.

### SEGREGATION BILL IN LEGISLATURE

A bill has been introduced in the General Assembly attempting to legalize segregation by contract when 75 per cent. of the residents of any block in any city in Maryland agree not to sell or permit occupancy by Negroes except as servants.

The bill seeks to evade Constitutional barriers by a rubber-like provision applying segregation by contract among Negroes against white as well as whites against Negroes. This will deceive no one, however.

If the bill passes the House and Senate it will be fought out to the finish in the Courts.

Negroes of Maryland are going to demand and fight to the last ditch for the same right accorded to all citizens of choosing their own domicile, buying it, paying for it and occupying it.

If there is any belief in the mind of any persons not of the race that they will submit to segregation of any sort without contesting it every inch of the way those persons will need to revise their beliefs.

## SEGREGATION BILL KILLED

Annapolis, Md.—The Judiciary Committee of the House reported unfavorably the race segregation bill for Baltimore City, introduced by Delegate Van Daniker, Dem., of the Fourth District.

The bill provided that when 75 per cent. of white persons in any block had signed an agreement not to sell to Negroes, this agreement would also be binding upon the remainder of the block whether they had signed or not.

Daniel C. Joseph, Dem., Fourth District, Baltimore, 1513 Eutaw Place, chairman of the Judiciary Committee, told the AFRO-AMERICAN today the vote was unanimous, and that nothing like this bill would be put over on the people.

Other members of the committee which killed the bill are:

Arthur E. Williams, Sansbury; David K. E. Bruce, 1001 N. Calvert street; Palmer Tennant, Hagerstown; James L. Hennegan, 3600 Fernwood avenue; Franklin Upshur, Berlin; Antony Dimaro, 602 W. Lexington street; James J. Lindsay, Jr., Towson; Henry B. Mann, P. O. Box 155, Hamilton; John H. Mahle, Woodlawn; Benjamin N. Kline, 3502 Holmes avenue; Alexander R. Wagner, Hagerstown; Francis A. Michel, 618 N. Washington street.

Mr. Wagner is the only Republican member of the committee; all the rest are Democrats.

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Mr. Wagner is the only Republican member of the committee; all the rest are Democrats.

BALTIMORE, Aug. 20.—All streets within three blocks of St. John's Baptist Church, in Rutland Avenue, a "white" district, were roped off the other day.

Twenty patrolmen, with orders to

ROPE OFF ALL MORE STREETS

AFTER NO MORE SEGREGATION

disperse all crowds, were on duty until midnight.

This action followed arraignment of nine persons, accused of taking part in disorders since the church was acquired by the congregation. These disorders culminated in a fight when

1,500 persons were around the church.

The Rev. George A. Crawley, Negro pastor of the church, said today its trustees are willing to consider an offer for the property from the residents, but that their action will depend upon a vote of the congregation.

The actual cause of the conflict, Police Captain Mooney said, was that a house on the church property was occupied by a colored family.

BALTIMORE MD. EVE. SUN  
AUGUST 12, 1924

## CROWD OF WHITE PERSONS STONES NEGROES' CHURCH

Police Restore Order After One Family Has Been Forced To Move.

SIMILAR OUTBREAK STAGED SOME TIME AGO

Disturbance On Rutland Avenue Outgrowth Of Protests On Sale.

In an effort to adjust differences between white residents of the neighborhood and negroes who have bought the church building at 1601 Rutland avenue, a conference was held in the Northeastern Police Station this afternoon between a representative of the residents and the pastor of the church. The representatives of the residents said approximately 400 persons had agreed to contribute to a fund to purchase the property from the negroes.

Police reserves of the Northeastern district were called out last night when windows in the St. Paul Colored Baptist Church, 1601 North Rutland avenue, were broken by stones, and members of a negro family in an adjacent dwelling were forced to move by a crowd of 500 persons.

The church, which up until six weeks ago had been used by a white congregation, had been sold to the negroes, and

the police say that the disturbance was a protest against their presence in the neighborhood, which is preponderantly white.

### Police Restore Order.

A squad of patrolmen under Sergeant Heinemann was sent to the scene by Captain Mooney and restored order. Most of the windows broken were in the rear of the church, the missiles being thrown from neighboring roofs and porches.

In anticipation of a recurrence of the outbreak today, Captain Mooney assigned Patrolman Wright to the spot this morning.

Wright reported that while he was patrolling the front of the church more stones were thrown from the rear and two more windows broken.

### No Arrests Made.

No arrests were made either last night or today. Some weeks ago, shortly after the colored congregation moved in, there was a similar disorder staged.

The Rev. George A. Crawley, pastor of the church, told the police that after the first outbreak he feared to rent the dwelling house, which is part of the church property, to members of his congregation and tried to find a white tenant. This he failed to do, and yesterday one of the colored trustees of the church moved in.

The dwelling was attacked first, according to Mrs. Lillian Barre, one of the occupants, who was forced to move.

Protests against the sale of the church to the negroes were voiced at the time of the transaction, Captain Mooney said, and the disturbance last night and today was an outgrowth of these complaints.

The pastor of the colored church, who lives at 1810 Ashland avenue, did not indicate what course he expected to take or whether the church would be offered for sale.

## A NEW SEGREGATION MOVEMENT HERE

North Avenue Owners Sign Pack to Keep Out Negro

Tenants From the Neighborhood

FOLLOWS D. C. DECISION

Cannot Bar Property Owners, But Would Exclude Tenants and Renters

A new segregation movement was started in the North Avenue section of the city Friday when the Homewood Protective Association was organized to block colored tenancy in that section.

# Segregation - 1924.

I.

Maryland.

## Segregation

### "THEY DEPRECIATE PROPERTY"

The residents of Harlem Park in West Baltimore have organized to prevent "the encroachment of Negroes" in the residential section around the park. The organization is known as the Harlem Park Protective Association, and each owner of property in the area will be asked to sign an agreement pledging himself not to sell his property to a Negro. This action is curiously analogous to that taken by the Hyde Park and Grand Boulevard Protective Association, a Chicago organization which played an important part in stimulating the anti-Negro sentiment leading up to the Chicago riot of 1919.

BALTIMORE MD EVE SUN  
JANUARY 22, 1924

#### Segregation.

TO THE EDITOR OF THE EVENING SUN:

Sir—I am writing to commend you upon the very sane editorial on "Segregation." Your position is the only logical one to take. If those who are agitating this question would only sit still for five minutes and read your editorial and another five to let it soak in, the bottom would drop out of the whole contention. There are two forces which compel the colored people to move: one is economic, which creates conditions favorable for the colored man to earn more money, and he, like all other people, develops tastes proportionate to his ability to supply them and, where formerly two or three families lived together, favorable economic conditions have made it possible for separate homes to be maintained. The other force is that of increased colored population both from birth and migration. The colored population of Baltimore is increasing so if the two races will not consent to live as neighbors or on the same street and agree to live there and be unneighborly somebody must move. For this enlarged group must have some place to live. There is no direction in which the colored man can attempt to expand in response to these forces that he would not meet with objection from this unreasonable element in the community.

Let the law that governs the forces named control this situation. It cannot be regulated by a committee.

REV. ALBERT J. MITCHELL  
Annapolis, Md., Jan. 19.

BALTIMORE MD AMERICAN  
JANUARY 6, 1924

Negroes Present at Discussion  
Voice Vigorous Opposition to  
Appointment of Commission

JACKSON DEFERS DECISION

Spirited Conference Fails to  
Win Pastors of 15 Colored  
Churches to Support Plan

An earnest and spirited but always friendly discussion of housing for negroes was held in Mayor Jackson's reception-room yesterday when representatives of the Real Estate Board proposed that a segregation plan be worked out by agreement among representatives of all groups concerned.

The Board suggested to Mayor Jackson, who listened attentively but gave no indication of his course, that he appoint a commission of negroes and representatives of the Real Estate Board, the Merchants' and Manufacturers' Association and neighborhood organizations to study the problem of housing for negroes, the decisions of this body to be "morally binding" upon all groups. The colored men present earnestly protested against this course.

Informal discussion of the subject continued for an hour after the Mayor had returned to his office, pastors of 15 colored churches and representatives of the Madison Avenue Protective and Improvement Association trying to come to an understanding in principle. The colored people earnestly disclaimed any desire to live among whites, but insisted that they had to live somewhere and that they could no longer live in alleys as many did formerly. They felt that recognition of their needs by white people generally and by real estate men particularly would result in an amicable adjustment of all major troubles growing out of the housing problem.

## BANKER TURNS INVITATION DOWN

Declined Bid of Madison  
Avenue Body to Attend  
Segregation Meeting

GENTLE REMINDER GIVEN

Jews, Themselves Segre-  
gated, Would Agitate

Segregation of 'Negroes'

It is rather strange that the Jewish people should attempt to segregate colored people, where Jews themselves are segregated.

With these words Harry O. Wilson, local banker, began his letter to Chas. Greenblatt, white, treasurer of the Madison Avenue Improvement Association, declining to attend a meeting held at Fulton Avenue Christian Temple last Friday night, to discuss segregation.

Mr. Wilson reminded Mr. Greenblatt that over the city sale price of property is less than it is in colored neighborhoods. "As soon as a colored person moves in a neighborhood," Mr. Wilson adds, "property values increase 50 per cent."

His letter follows:

Addressed To, Wrong Party

Mr. Chas. Greenblatt, Treas.,  
Madison Ave. Protective and Im-  
provement Asso.,  
2310 Madison Avenue,  
City.

Dear Sir:

"Your letter was received today, but was evidently addressed to the wrong person. I am in no wise interested in the Madison Avenue Improvement Association and neither am I interested in Segregation."

"It is rather strange that the Jewish people should attempt to segregate colored people, when they themselves are segregated. There are certain sections of the city in which the Jewish people are not permitted to live. Therefore, I am at a lost to understand why you yourself would be interested in such a matter. You may pass all the laws you want, but so

long as the sun shines, you will never be able to enforce segregation, as it affects the white man financially more than it does the colored man.

White Homes  
Sell For Less

"Several weeks ago there was sold for \$2,100, a three-story house in the 300 block of S. Stricker street, with a \$32.00 ground rent (in a white neighborhood). On the same day, a similar piece of property in the 300 block of N. Stricker street, with a \$72.00 ground rent, bringing \$5,100, the last named piece of property being in a mixed neighborhood.

"Property, 1218 St. Paul street was recently sold at public auction for \$9,500 in fee, (a large five-story apartment house). The same property on Druid Hill avenue, McCulloh street or Madison avenue would easily have brought \$15,000.

"You will never be able to overcome these difficulties. Where white men are willing to pay \$5,000 for a house, a colored man offers \$10,000 for the same property. What would you do, if you owned the house?

Improvement Assos.  
Do Not Last Long

"I have seen so many of these improvement associations organized, but nearly every one of them have gone to the bow wows. There was one out at Govans known as the South Govans Improvement Association, the object of which was to keep colored people out of South Govans, but the president and secretary respectively, were among the first to offer me their property and made all kinds of apologies why they had joined this association. Of course, the Association functioned no longer after the two officials' houses were sold.

"Evidence are numerous of white persons who have bought houses, paid for them on the installment plan and sold the same for enough to put them in comfortable circumstances. The administrator of the estate of the late Hiram Winternitz attempted to dispose of Mr. Winternitz's home on Madison avenue and the best offer he could secure for the same was \$250, and I am reliably informed that it was eventually sold for that sum.

"A few years ago, when segregation was being enforced in this city, a local banking concern offered me a large piece of property on Bolton street, near McMechen street for \$500. This property remained on the market for more than a year.

Negroes Raise  
Property Values

"I simply mention these instances that you may be familiar with the circumstances. I could cite any number of cases of property in white neighborhoods being

offered at sacrifice prices. The argument is usually made that the colored man greatly depreciates property when he moves into a white neighborhood. His coming is heralded by the big headlines in our daily papers. It is one of the biggest falsehoods that could ever be put in print, for as soon as a colored man moves into a neighborhood, property immediately increases 50 per cent and two years thereafter, 100 per cent.

"If you could overcome these difficulties, then you would be able to affect a segregation ordinance. For the reasons above stated I will not attend any of the meetings for segregation."

IN ASSOCIATIONS  
AID SEGREGATION  
MOVEMENT

Refuse Money To Colored  
Purchasers Of Homes In  
Certain Sections Of  
The City

ALLEN MAKES SUGGESTION

Need Of Bigger Building  
and Loan Association For  
Race Shown

A big financial institution manned by the race is an imperative need, is the opinion of Wil-

lard W. Allen. Since the segregation agitation has been going on some building and loan associations run by whites have refused to lend colored people money on property in certain neighborhoods, thus aiding the segregation movement.

"I was in a downtown office the other day" said Mr. Allen, where a colored man was refused a loan sought in one of the so-called white neighborhoods.

There are 100,000 colored people in Baltimore and we have not institution where a person could obtain \$5,000 on an eight-year mortgage. The white building associations are doing this every day.

"Suppose every colored man and woman in Baltimore would subscribe at least \$1 toward the establishment of such an institution, you would have \$40,000 to begin with. Then let the lodges, churches and various other organizations help and the capital would

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amount to several hundred thousand dollars.

"There are plenty of capable persons of integrity here to run such an institution, and many who are being turned down by whites could turn to us for the money they needed."

BALTIMORE MD MORN SUN

FEBRUARY 6, 1924

## WHITES JOIN TO STOP INVASION BY NEGROES

Federation Formed For Fight  
On Alleged Plans Of Real  
Estate Dealers.

Plans to fight real estate dealers who, it was alleged, encouraged negro invasions of white residential districts to stimulate development of newer outlying sections, were made last night at a meeting of 11 protective associations. The associations combined under the name of the Federation of Protective Associations of Baltimore.

J. Frank Hudson, attorney for the Madison Avenue Protective Association, was elected president of the federation. Each association forming the federation will name a committee of three to serve as an executive board. The next meeting of the federation will be held February 15.

### Plans Kept Secret.

According to Mr. Hudson, some real estate dealers assist in having one negro family move into a white block to cause a general exodus of white residents and create prospective clients for new land developments. He would not divulge the plans being made to combat these efforts.

A canvass made this week of negro districts shows that there is no necessity for the spread of the negroes at present, Mr. Hudson declared. The canvass showed, he said, that there are now 117 houses or apartments for sale or rent in the colored section on McCulloh street and Druid Hill avenue.

BALTIMORE MD MORN SUN  
JANUARY 23, 1924

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un.

To THE EDITOR THE SUN—Sir  
A few days ago the appeared in your paper statistics given out by the Health Department which went to show that the death rate among negroes was double that of the whites of this city. Of course, statistics are not always concrete evidence of facts. Nevertheless we colored people are willing to accept the statistics in this particular case. Then, if the statistics in this case are right, we colored people of this city would be insensate to accept or acquiesce in the prescribed scheme of segregation that the Madison Avenue Improvement Association is trying to bring about.

If the death rate among colored people in this city doubles the death rate of the whites, the obvious reason is that there are more colored people living in sections of the city where civic improvements are at a low ebb than whites. What are the basic causes of infectious malignant and contagious diseases? Filth, improper housing facilities and poor civic environments, medical science exclaims!

This is only one phase of the situation apropos to offering an argument against this proposed segregation plan that seems to be the chief topic of discussion among the segregationist. The colored people of this city nor any other city are not so eager to live beside the whites as some seem to think. They are eager to live in decent houses and on well-provided thoroughfares. And they are not oblivious of the fact that they must live in close proximity to their white neighbors in order to receive the proper civic improvements. This is the moral status of the case. The legal side is enmeshed in much importance. What right has any organization under the Constitution to prescribe a certain section or place for American citizens to live? Again I reiterate we are not eager to have white next-door neighbors. What we are eager to have is the death rate among our people at its lowest ebb. We can seek no better medicine than nice homes and the best provided streets to lessen the death rate among colored people.

### SEGREGATION ISSUE IN COURT

The segregation issue brought to a head through signed agreements by property owners of Baltimore not to sell to Negroes was to be heard Tuesday, but was not reached on the calendar before *The Herald-Commonwealth* went to press. It will probably be reached and decided in Circuit Court No. 2, before Judge Dawkins, this week.

The contracts have for their purpose evasion of the decision rendered several years ago declaring segregation by legislative enactment unconstitutional. It is now sought to establish segregation by judicial decision declaring contracts between one or more parties to segregate Negroes legal.

In plain language, the legislature of a State cannot pass laws to segregate Negroes, but individuals or groups of citizens of any community by banding together and by written agreement can accomplish the same end.

If these segregation contracts are held by the Courts to be legal then every right and privilege of every citizen can be made subject to contract and once contractual relations are entered into become effective and binding constitutional inhibitions to the contrary notwithstanding.

Slavery is forbidden by the 15th Amendment, but if contract agreements are more solemn and sacred than constitutional provisions, men can contract themselves, their children or any one over whom they hold legal control into slavery, and the Courts will uphold the contracts. Of course, we do not believe even the Baltimore courts will hold the segregation contracts legal. If they do, however, we believe in the finality justice will prevail, and the higher courts will declare them illegal.

Nothing more sordid, base and abominable in race relations has occurred

in Baltimore for years than this segregation agitation and attempt to create segregation legislation by judicial decision.

When probed to its depth it will be found that the mainspring of action is the desire and plan to restrict the housing area for the Negro group in order that owners of realty in the present Negro residential area can exact extortionate rents from helpless Negro tenants, or extortionate prices from Negro home buyers of property in their restricted areas.

It is not believable that courts of justice would give judicial sanction to such oppression.

At this meeting it was announced that 90 per cent of the property owners had signed an agreement to bar Negroes from the Homewood sections of North avenue, Guilford avenue, Calvert, 22nd, 23rd, 24th and Barclay streets, and that a campaign had been started to make this agreement 100 per cent.

### Cannot Rent Homes

This agreement, according to officials, binds owners not to rent to colored people or allow them to occupy the property for business or other purposes, but does not prevent them from purchasing property in this district. It follows the principle laid down in the District of Columbia court decision handed down recently which sanctioned segregation where 100 per cent of the property owners agreed to exclude any group.

### Many Colored Owners

In the neighborhoods of 22nd and 23rd streets, there are already many colored property owners as well as renters. Many excellent homes have been bought and certain sections of these streets rival the best section of the Northwest Baltimore, so far as colored homes are concerned. Many comparatively new homes, built by whites have been sold to colored, and the new segregation attempt will in all probability seek to limit growth of this influx.